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ILLINOIS REGISTER

Rules of Governmental Agencies

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INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. Rulemaking activity consists of proposed or adopted new rules or amendments to or repealers of existing rules, including those by emergency or peremptory action.

The *Register* also contains Executive Orders and Proclamations issued by the Governor, notices of public information required by State statute, and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies. In addition, the *Register* contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current *Register* volume and a Sections Affected Index listing, by Title of the *Illinois Administrative Code*, each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume. Both indices are action coded and are designed to aid the public in monitoring rules.

The *Register* will serve as the update to the *Illinois Administrative Code*, a compilation of the rules of State agencies. The most recent edition of the *Code* along with the *Register* comprise the most current accounting of the State agencies' rules.

The *Illinois Register* is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1985, ch. 127, pars. 1001 et seq., as amended).

REGISTER PUBLICATION SCHEDULE 1989

Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:	Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:
Dec. 20, 1988	Dec. 27, 1988	1	Jan. 6, 1989	June 27, 1989	July 3, 1989 (Mon.)	28	July 14, 1989
Dec. 27, 1988	Jan. 3, 1989	2	Jan. 13, 1989	July 3, 1989 (Mon.)	July 11, 1989	29	July 21, 1989
Jan. 3, 1989	Jan. 10, 1989	3	Jan. 20, 1989	July 11, 1989	July 18, 1989	30	July 28, 1989
Jan. 10, 1989	Jan. 17, 1989	4	Jan. 27, 1989	July 18, 1989	July 25, 1989	31	Aug. 4, 1989
Jan. 17, 1989	Jan. 24, 1989	5	Feb. 3, 1989	July 25, 1989	Aug. 1, 1989	32	Aug. 11, 1989
Jan. 24, 1989	Jan. 31, 1989	6	Feb. 10, 1989	Aug. 1, 1989	Aug. 8, 1989	33	Aug. 18, 1989
Jan. 31, 1989	Feb. 7, 1989	7	Feb. 17, 1989	Aug. 8, 1989	Aug. 15, 1989	34	Aug. 25, 1989
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Feb. 14, 1989	Feb. 21, 1989	9	Mar. 3, 1989	Aug. 22, 1989	Aug. 29, 1989	36	Sept. 8, 1989
Feb. 21, 1989	Feb. 28, 1989	10	Mar. 10, 1989	Aug. 29, 1989	Sept. 5, 1989	37	Sept. 15, 1989
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Mar. 7, 1989	Mar. 14, 1989	12	Mar. 24, 1989	Sept. 12, 1989	Sept. 19, 1989	39	Sept. 29, 1989
Mar. 14, 1989	Mar. 21, 1989	13	Mar. 31, 1989	Sept. 19, 1989	Sept. 26, 1989	40	Oct. 6, 1989
Mar. 21, 1989	Mar. 28, 1989	14	Apr. 7, 1989	Sept. 26, 1989	Oct. 3, 1989	41	Oct. 13, 1989
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Apr. 4, 1989	Apr. 11, 1989	16	Apr. 21, 1989	Oct. 10, 1989	Oct. 17, 1989	43	Oct. 27, 1989
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Apr. 18, 1989	Apr. 25, 1989	18	May 5, 1989	Oct. 24, 1989	Oct. 31, 1989	45	Nov. 13, 1989 (Mon.)
Apr. 25, 1989	May 2, 1989	19	May 12, 1989	Oct. 31, 1989	Nov. 7, 1989	46	Nov. 17, 1989
May 2, 1989	May 9, 1989	20	May 19, 1989	Nov. 7, 1989	Nov. 14, 1989	47	Nov. 27, 1989 (Mon.)
May 9, 1989	May 16, 1989	21	May 26, 1989	Nov. 14, 1989	Nov. 21, 1989	48	Dec. 1, 1989
May 16, 1989	May 23, 1989	22	June 2, 1989	Nov. 21, 1989	Nov. 28, 1989	49	Dec. 8, 1989
May 23, 1989	May 30, 1989	23	June 9, 1989	Nov. 28, 1989	Dec. 5, 1989	50	Dec. 15, 1989
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June 13, 1989	June 20, 1989	26	June 30, 1989	Dec. 19, 1989	Dec. 26, 1989	1	Jan. 5, 1990
June 20, 1989	June 27, 1989	27	July 7, 1989	Dec. 26, 1989	Jan. 2, 1990	2	Jan. 12, 1990

Please note: When the *Register* deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).

CAPITAL DEVELOPMENT BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Procurement Practices
- 2) Code Citation: 44 Ill. Adm. Code 910
- 3) Section Number: 910.130
Proposed Action:
Amendment
- 4) Statutory Authority: Implementing and authorized by Section 9.06 of the Capital Development Board Act (Ill. Rev. Stat. 1987, ch. 127, par. 779.6) and authorized by Sections 5 and 6 of the Illinois Purchasing Act (Ill. Rev. Stat. 1987, ch. 127, pars. 132.5 and 132.6).

5) A Complete Description of the Subjects and Issues Involved: Language has been added prohibiting a contractor, architect, engineer, insurance company or surety company, which knowingly makes a material misrepresentation in its application for prequalification, from applying for prequalification for a period of three years following submittal of the misrepresented application. Prequalification issued in error because of any misrepresentation is null and void and any contract awarded thereon may be canceled.

6) Will this proposed rule replace an emergency rule current in effect? No

7) Does this rulemaking contain an automatic repeal date? No
If "yes" please specify the date:

8) Does this proposed amendment contain incorporations by reference: No

9) Are there any other proposed amendments pending on this Part? No
Section Numbers Proposed Action Illinois Register Citation

10) Statement of Statewide Policy Objectives: N/A

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments should be submitted in writing within 45 days of this notice and addressed to:

Fredrick W. Hahn, Legal Advisor
Capital Development Board
401 South Spring Street
3rd Floor Wm. G. Stratton Bldg.
Springfield, IL 62706

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: February 1, 1989.

NOTICE OF PROPOSED AMENDMENTS

- B) Types of small businesses affected: Architect and engineering firms or consulting firms, insurance and surety companies, and contractors.
- C) Reporting, bookkeeping or other procedures required for compliance: None.
- D) Types of professional skills necessary for compliance: None.

The full text of the Proposed Amendments begins on the next page:

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT AND PROPERTY MANAGEMENT
SUBTITLE B: SUPPLEMENTAL PROCUREMENT RULES
CHAPTER XII: CAPITAL DEVELOPMENT BOARD

null and void, and the Board may cancel any contracts awarded based upon the misrepresented application.

(Source: Amended at 12 Ill. Reg. _____, effective _____)

PART 910
PROCUREMENT PRACTICES

- Section 910.110 Purchasing Act
- 910.120 Contracts
- 910.130 Prequalification
- 910.140 Suspension
- 910.150 Use of Department of Central Management Services
- 910.160 Severability

AUTHORITY: Implementing and authorized by Section 9.06 of the Capital Development Board Act (Ill. Rev. Stat. 1987, ch. 127, par. 779.6) and authorized by Sections 5 and 6 of the Illinois Purchasing Act (Ill. Rev. Stat. 1987, ch. 127, pars. 132.5 and 132.6).

SOURCE: Adopted at 2 Ill. Reg. 30, p. 140, effective July 27, 1978; amended at 4 Ill. Reg. 9, p. 233, effective February 14, 1980; amended at 5 Ill. Reg. 1890, effective February 17, 1981; amended and codified at 8 Ill. Reg. 20324, effective October 1, 1984; amended at 9 Ill. Reg. 17332, effective October 29, 1985; amended at 12 Ill. Reg. 9864, effective May 27, 1988; amended at 12 Ill. Reg. _____, effective _____.

Section 910.130 Prequalification

- a) All contractors, architects, engineers, insurance companies and surety companies who desire to do business with the Board must be prequalified in accordance with the Rules of the Board. Matters relating to prequalification of contractors are found in Part 950 of this Title (44 Ill. Adm. Code 950). Matters relating to prequalification of architects and engineers are found in Part 980 of this Title (44 Ill. Adm. Code 980). Matters relating to insurance and surety companies are found in Part 1050 of this Title (44 Ill. Adm. Code 1050).
- b) If any contractor, architect, engineer, insurance company or surety company knowingly makes a material misrepresentation in its application for prequalification, such entity shall not be allowed to seek prequalification for a period of three years from the date of the submittal of the misrepresented application. In the event the Board shall issue a prequalification in error because of a material misrepresentation by the applicant, such prequalification shall be

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NOTICE OF PROPOSED AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE A: MERIT EMPLOYMENT SYSTEMS
CHAPTER VI: STATE UNIVERSITIES CIVIL SERVICE SYSTEM

PART 250
STATE UNIVERSITIES CIVIL SERVICE SYSTEM

Section	Definitions
250.5	Purpose, Adoption, and Amendment of Rules
250.10	The State Universities Civil Service System and its Divisions
250.20	The Classification Plan
250.30	Military Service Preference, Veterans Preference
250.40	Examinations
250.50	Eligible Registers
250.60	Nonstatus Appointments
250.70	Probationary Period
250.80	Reassignments and Transfers
250.90	Separations and Demotions
250.100	Seniority
250.110	Review Procedures
250.120	Delegation of Authority and Responsibilities
250.130	Training
250.140	Suspension of Rules
250.150	
250.160	

AUTHORITY: Implementing and authorized by "AN ACT to create the State Universities Civil Service System" (Ill. Rev. Stat. 1987, ch. 24 1/2, par. 385i et seq.)

SOURCE: Rules: State Universities Civil Service System, approved January 16, 1952, effective January 1, 1952; amended at 3 Ill. Reg. 13, p. 68, effective April 1, 1979; amended at 4 Ill. Reg. 10, p. 262, effective February 25, 1980; amended at 6 Ill. Reg. 2620, effective February 22, 1982; amended at 6 Ill. Reg. 7236, effective June 3, 1982; amended at 8 Ill. Reg. 4948 and 4950, effective March 29, 1984; codified at 8 Ill. Reg. 12936; amended at 8 Ill. Reg. 24732, effective December 6, 1984; amended at 9 Ill. Reg. 17422, effective October 23, 1985; amended at 11 Ill. Reg. 8942, effective May 8, 1987; amended at 12 Ill. Reg. 3457, effective February 1, 1988; amended at 12 Ill. Reg. 17079, effective October 7, 1988; amended at 13 Ill. Reg. effective

Section 250.70 Nonstatus Appointments

a) Temporary Appointments

- 1) Temporary appointments are made to any positions which the employer certifies to be emergent, temporary, or transitory. Such appointments shall be for not more than three months.

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NOTICE OF PROPOSED AMENDMENT

1) The Heading of the Part: State Universities Civil Service System

2) Code Citation: 80 Ill. Adm. Code 250

3) Section Number: 250.70
Proposed Action: Amendment

4) Statutory Authority: Implementing and authorized by "AN ACT to create the State Universities Civil Service System" (Ill. Rev. Stat. 1987, ch. 24 1/2, par. 385i, et seq.)

5) A Complete Description of the Subjects and Issues Involved: The purpose of this proposal is to establish a more effective and compliant utilization of extra help employees

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? Yes

Section Number	Proposed Action	Illinois Register Citation
250.50	Amendment	November 4, 1988
		12 Ill. Reg. 17569

10) Statement of Statewide Policy Objectives: Not Applicable.

11) Time, Place, and Manner in which interested persons may comment on this Proposed rulemaking: Interested parties may submit comments, data, views, or arguments concerning this rulemaking in writing to Emil G. Peterson, Deputy Director, 102 East Main Street, Suite 500, Urbana, Illinois 61801. The Authority will consider all written comments received at the above address within 45 days of the date of publication of this notice.

12) Initial Regulatory Flexibility Analysis: This rulemaking does not affect small business

The full text of the Proposed Amendment begins on the next page.

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NOTICE OF PROPOSED AMENDMENT

With approval of the Director, they may be renewed in accordance with need up to a maximum of six months less one day.

- 2) An employer shall fill a temporary position by calling candidates in the same manner as for status appointments, and in accordance with Section 250 60(d). Refusal to accept, or acceptance of, a temporary appointment by a candidate shall in no way affect the candidate's position on the register, regardless of number of refusals or acceptances.

- 3) A candidate may request that he not be called for temporary positions.

b) Provisional Appointments

- 1) In the absence of a register, an employer may make a provisional appointment, in accordance with Ill. Rev. Stat., Ch. 24 1/2, par. 38b1, et seq. Section 36n of the Statute, providing the person so appointed possesses the qualifications for the position as stated in the appropriate class specification. In order to establish eligibility for a status appointment, the provisional appointee must file application for, and pass, the examination for the appropriate class.

- 2) A provisional employee, who has not qualified by examination, may continue to be employed, providing no candidate is available for appointment from the appropriate register.

c) Apprentice Appointments

- 1) An apprentice is a nonstatus employee who is employed in an occupation defined as an "apprenticeable occupation" by the Bureau of Apprenticeship and Training, United States Department of Labor, in accordance with registered apprenticeship standards. These standards shall include, but are not necessarily limited to, criteria for screening and selection of apprentices, term of apprenticeship, requirements of related instruction, a schedule of work processes, a progressively increasing schedule of wages, periodic evaluations of the apprentice's progress, recognition for successful completion of the apprenticeship, and other requirements as established by the Joint Apprenticeship Committee governing the program in which the apprentice is enrolled and employed. The standards must meet basic requirements and be registered with the Bureau of Apprenticeship and Training, United States Department of Labor.

AGENCY NOTE: An apprenticeable occupation is a trade or craft which is recognized as apprenticeable by the United States Department of Labor, Bureau of Apprenticeship and Training, which is customarily learned through work experience (1) which

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requires 4,000 or more hours of work to learn, (2) which requires related instruction or study to supplement the work experience, (3) which is clearly identified and commonly recognized throughout the industry, and (4) which involves the development of skill and knowledge sufficiently broad to be applicable in like occupations throughout an industry, and meets the standards of the area.

- 2) A program, meeting the basic fundamentals for registration, will be developed by a joint apprenticeship committee composed of employer, employee representatives, together with a representative from the Bureau of Apprenticeship and Training, for submission to, and approval by, the Director of the State Universities Civil Service System (System). Following the Director's approval, the program will be submitted for approval and registration to the Bureau of Apprenticeship and Training, United States Department of Labor. However, no apprentice program will be developed for a job classification for which there is an existing registered area program.

- 3) Apprentices who are individually registered in the program registered with the Bureau of Apprenticeship and Training, United States Department of Labor, may be employed without University Civil Service examination.

- 4) An apprentice who satisfactorily completes apprenticeship in accordance with the prescribed apprenticeship standards of the program in which registered, will have attained the status of journeyman. The incumbent will not be subject to University Civil Service examination and no right to continuation in employment is earned by the satisfactory completion of such apprenticeship. If employment is continued at the journeyman level, after satisfactory completion of an apprenticeship, seniority in the promotional line shall be counted from the date that the employee acquires journeyman status.

d) Trainee Appointments

- 1) An appointment, with Trainee status, may be made by an employer, with approval of the Director, to any position in which the employer indicates acceptability of a Trainee, provided

- A) there are no qualified candidates available from a reemployment or promotional register for the class;
- B) that the applicant lacks one or more of the minimum qualifications for the class;

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C) that a predetermined and scheduled program of training and/or experience, as approved by the Director, is established for the candidate;

D) that whenever the scheduled program has been completed, the applicant must apply for the original entry examination for the class and must pass such examination in order to remain in the position; and

E) that at no time during the Trainee status period may the Trainee receive a salary which is more than 95% of the minimum of the range or of the minimum rate for the class.

2) Seniority in the promotional line, or in the class, shall be counted from the date that the employee satisfactorily completes the training program and/or qualifies for, and passes, the examination required for the class if employment is continued

e) Learner Appointments

1) An appointment, with Learner status, may be made by an employer, with approval of the Director, to a position of an entry class, except a recognized trade or craft class, in which the employer indicates acceptability of a Learner, provided

A) there are no qualified candidates available from a reemployment register for the class;

B) that a predetermined and scheduled program of training, not in excess of twelve months and as approved by the Director, is established for the Learner;

C) that the Learner is accepted on the basis of a pre-employment examination provided by the System; and

D) that at no time during the Learner status period may the Learner receive a salary which is more than 95% of the minimum of the range or of the minimum rate for the class.

2) If, in the opinion of the employer, the Learner completes the prescribed training program, in accordance with examination standards established by that program, he shall be certified to a position of the class for which he completed his learning program

3) When employment is continued on a certified basis following completion of the learning program, with or without interruption of employment by the employer, seniority in the class, following completion of a probationary period in the class,

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shall be counted from the date of completion of the training program and certification to the position

4) An employer may have one Learner appointment in a class, but not more than ten percent of the total positions in a class having ten or more positions, may be filled by Learner appointments on any day of operation.

f) Student Appointments.

1) Each employer shall determine which positions shall be designated as student positions, and when so designated, they shall be filled according to this Part and such other regulations as are established by the employer pursuant to this Part, subject to the approval of the Director.

2) A student employee shall not displace a certified Civil Service employee.

3) A student, for purposes of this Part, shall be one who is registered for course work at an institution served by the System for at least one-half of the normal workload of a regularly enrolled full-time student, as such workload is determined by the employer. Lacking such enrollment during a summer session, or summer quarter, an applicant may be considered a student for the purposes of this Part if he was enrolled as a student during the quarter or semester immediately preceding the summer session, or if he indicates his intention to be so registered during the quarter or semester immediately following such summer employment. In any case, the possession of a properly authenticated student identification card shall be deemed as providing satisfactory evidence of student status. The Director may approve exceptions to this Section when sufficient cause is evidenced; such as, but not limited to, graduating seniors, financial hardship cases, personal or physical problems, etc.

4) A uniform classification plan for student employees, which shall provide groups of positions sufficiently similar in duties, responsibilities and qualifications, as to be given the same class title and to be of a similar level of job worth, shall be established by each employer, subject to the approval of the Director.

5) Each employer shall establish a wage rate or range for each position grouping, taking into account job requirements, rates paid locally for similar work, including rates paid to Civil Service employees, consistency within the student aid program of the employer, and availability of funds. No student employee shall be paid below the minimum rate, or above the maximum rate, as established for the position grouping in which he

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is employed, unless approved by the Director. No maximum rate for student employment shall exceed the maximum rate established for comparable Civil Service classes on the same campus.

6) The employer may give applicants for student employment a screening examination, without Civil Service status, if such an examination is deemed necessary for the selection of employees.

7) No seniority as a Civil Service employee is earned through employment in a position designated as student.

8) A student employee is not eligible for paid vacation, paid holidays, or disability leave, as established by the Benefits Policy approved by the Merit Board and by the governing Boards of the institutions served by the System.

9) A position designated as student may be terminated at any time at the discretion of the employer.

10) Each employer may make such regulations and policies governing student employment on its respective campus(es) as it deems desirable, subject to the Statute and this Part governing the State Universities Civil Service System.

g) Extra Help Appointments.

1) An Extra Help appointment may be made, by an employer to any position for work which the employer attests to be casual or emergent in nature, and which meets the following conditions:

A) the employee so appointed is called for service occasionally;

B) the services are not regularly required on a constant, repetitive basis;

C) the amount of time for which the services are needed is not usually predictable;

D) payment for work performed is usually made on an hourly basis; and

E) the work cannot readily be assigned either on a straight-time or on an overtime basis to a status employee.

For appointments which meet more than one, but less than all, of the above conditions, the Director may approve an Extra Help appointment, if he determines that sufficient cause exists.

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

NOTICE OF PROPOSED AMENDMENT

2) The examination shall be brief, simple, and easily administered, and shall consist of a review of the employee's application and a verbal interview. The examination shall be scored as: Highly Qualified; Qualified; Acceptable; Not Acceptable. Registers shall be established in the first three categories, namely: Highly Qualified; Qualified; Acceptable, in descending order, equal rank in eligibility for employment being assigned to all those in any one category. Qualification determination shall consist of a review of the employee's application and a verbal interview. Qualifications will be determined to be: Acceptable or Not Acceptable. Where skills are required for Clerical/secretarial positions, an examination to demonstrate acceptable skills will be administered. The applicant will be required to pass the examination at a standard established by the employer. A listing of those applicants who have been determined to be Acceptable shall be maintained by the employer.

3) An employer shall fill an Extra Help position by calling a candidate referring persons to the employing unit from the Extra Help register, which shall consist of candidates who have scored as Acceptable, or above, in the examination for the appropriate Extra Help class and have indicated willingness to accept call-in work list of Acceptable candidates. The employer shall, upon request for such candidates, refer to the employing unit the names and addresses of all the persons who have scored in the highest category in which one or more candidates have scored; and the employing unit shall select one of the persons so certified.

4) Acceptance or refusal to accept an Extra Help appointment by a candidate shall in no way affect the candidate's position on any Extra Help register list, or on any other register maintained by the System Employer.

5) Classifications will be established in broad categories, such as Extra Help: Food Services; Extra Help: Clerical; Extra Help: Laborer; or any other category which may seem appropriate administrative, professional, technical, clerical, trades, and service.

6) The employer shall review the status of the position at least every three calendar months. If at any time it is found that the position is, or has become, either temporary or permanent, the employer shall terminate the Extra Help appointment, and shall fill the position from the appropriate register. If an employee working under an Extra Help appointment accrues a total of 900 work hours, his employment may be continued only upon approval of the Director. An Extra Help position may be utilized for a maximum of 900 hours of actual work in any

NOTICE OF PROPOSED AMENDMENT

consecutive 12 calendar months. The employer shall review the status of the position at least every three calendar months. If at any time it is found that the position has become an appointment which is other than Extra Help, the employer shall terminate the Extra Help appointment. If an Extra Help position has accrued 900 consecutive hours, the position shall not be reestablished until six (6) months time have elapsed from the date of the termination of the position, except that the position may be continued only upon approval of the Director. Standards that the Director shall utilize in determining a continuation shall include those listed in (1) above.

7) Upon working 900 hours, an Extra Help employee cannot resume employment in any Extra Help appointment at a place of employment until thirty (30) calendar days have elapsed.

8) The employer shall periodically review its use of Extra Help appointments to ensure compliance with these rules.

9) 7) Compensation of Extra Help employees shall be within the limits established for comparable service in status employment.

Source: Amended at 13 Ill. Reg. _____, effective _____.

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: State Administration of the Federal Low-Income Home Energy Assistance Block Grant Program
- 2) Code Citation: 47 Ill. Adm. Code 100
- 3) Section Numbers: 100.70
100.85
100.90
100.110
100.120
Proposed Action: Amendment
Amendment
Amendment

4) Statutory Authority: Implementing Section 2605(b)(13) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.), as amended by P.L. 99-425, effective September 30, 1986) and Sections 46.38 and 46.41 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, pars. 4638 and 46.41) and authorized by Section 46.20 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, par. 4620).

5) A Complete Description of the Subjects and Issues Involved: The proposed amendment to Section 100.70 serves to delete subsection (b)(2) and its requirement that certain grantees submit an agency-wide Statement of Revenues and Expenditures and a Balance Sheet. Section 100.85(c)(6)(B) has been amended to provide a reference to Section 12 of the Illinois Administrative Procedure Act. The addition of this reference was agreed to during the prehearing with the Joint Committee on Administrative Rules (JCAR) on the original rulemaking for the Section, but was inadvertently left out when adopted. Several changes have also been made to Section 100.85 to clarify existing language. Amended language in Section 100.90 states that complaints filed by LAAs or other Recipients will be handled according to procedures specified in the department's "Review and Appeal Procedures" (47 Ill. Adm. Code 10) while complaints by applicants for energy assistance must follow procedures specified in Section 100.85 of this Part. Sections 100.110 and 100.120 are being amended to fulfill an agreement with JCAR to include policies governing emergency services payments.

The department's conversion from WANG to IBM word processing equipment no longer allows for italic print. Therefore, a note has been inserted immediately after the main source note to specify that capitalization will be used to designate statutory language. Portions of the language found in Section 100.120 are now printed in upper case.

6) Will these proposed amendments replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED AMENDMENTS

- 8) Do these proposed amendments contain incorporations by reference? No.
- 9) Are there any proposed amendments pending on this Part? Yes
- | Section Numbers: | Proposed Action: | Illinois Register Citation: |
|------------------|------------------|-----------------------------|
| 100.80 | Amendment | June 3, 1988 |
| 100.240 | Amendment | 12 111. Reg. 9287 |
| 100.250 | Amendment | June 3, 1988 |
| 100.270 | Amendment | 12 111. Reg. 9287 |
| 100.280 | Amendment | June 3, 1988 |
| 100.290 | Amendment | 12 111. Reg. 9287 |
| 100. Appendix A | New Section | June 3, 1988 |
| 100. Appendix B | New Section | 12 111. Reg. 9287 |
| 100. Appendix C | New Section | June 3, 1988 |
| 100. Appendix D | New Section | 12 111. Reg. 9287 |
| 100. Appendix E | New Section | June 3, 1988 |
| 100. Appendix F | New Section | 12 111. Reg. 9287 |

These Appendixes will be changed to "E through J" when rules are adopted. This is necessary because other program amendments, proposed and adopted since this rulemaking was proposed, added Appendixes A through D.

- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act (111. Rev. Stat. 1987, ch. 85, par. 2203).

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this proposed rulemaking in writing within 45 days after this edition of the Illinois Register to the following:

Mr. Dennis R. Whetstone, Deputy Director
Department of Commerce and Community Affairs
Bureau of Program Administration

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NOTICE OF PROPOSED AMENDMENTS

620 East Adams Street, 5th floor
Springfield, Illinois 62701
(217) 782-6136

- 12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: February 3, 1989
- B) Types of small businesses and small municipalities affected: This rulemaking does not directly affect small businesses or small municipalities.
- C) Reporting, bookkeeping or other procedures required for compliance: This rulemaking reduces the LAA reporting requirements by eliminating the required submission of the agency-wide Statement of Revenues and Expenditures and Balance Sheet. The amendment to the "Complaint Process" section provides a reference to specific procedures to be followed by a complainant and the department. The complainant must comply with the required content and timelines for submitting: a notice of its intent to appeal, a written request for review; a request for a formal hearing; a request for discovery materials; a request for continuance; and written exceptions to the Director.
- D) Types of professional skills necessary for compliance: No special skills are necessary to comply with changes outlined in this rulemaking.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED AMENDMENTS

TITLE 47: HOUSING AND COMMUNITY DEVELOPMENT
CHAPTER 1: DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

PART 100
STATE ADMINISTRATION OF THE FEDERAL LOW-INCOME
HOME ENERGY ASSISTANCE BLOCK GRANT PROGRAM

SUBPART A: GENERAL PROVISIONS

Section	
100.10	Legislative Base
100.20	Purpose and Scope
100.30	Definitions
100.40	Program Components (Recodified)
100.45	Determination of Household Eligibility (Recodified)
100.50	Grant Application Requirements (Recodified)
100.60	Eligible Grantees (Recodified)
100.70	Administrative Requirements
100.80	Non-discrimination
100.85	Dispute Procedures
100.90	Complaint Process
100.100	Incorporation by Reference

SUBPART B: ENERGY ASSISTANCE

Section	
100.110	Program Components
100.115	Cooling Assistance Component
100.120	Determination of Household Eligibility
100.130	Grant Application Requirements
100.140	Eligible Grantees

SUBPART C: WEATHERIZATION

Section	
100.210	Definitions
100.220	Allocation of Funds
100.230	Local Administering Agency Selection
100.240	Local Administering Agency Application
100.250	Minimum Program Requirements
100.260	Allowable Costs
100.270	Cost Restrictions
100.280	Standards and Techniques for Weatherization
100.290	Eligible Dwelling Units

100. Appendix A	FY'88 IHEAP Income Level Chart/Cooling
100. Appendix B	FY'88 IHEAP Assistance Level Chart/Cooling Payment Matrix
100. Appendix C	Medical Certification
100. Appendix D	Assistance Level Chart Map

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

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AUTHORITY: Implementing Sections 46.38 and 46.41 and authorized by Section 46.20 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, pars. 46.38, 46.41 and 46.20).

SOURCE: Adopted and codified at 7 Ill. Reg. 2956, effective March 9, 1983; amended at 8 Ill. Reg. 8184, effective May 31, 1984; amended at 8 Ill. Reg. 16004, effective August 27, 1984; amended at 8 Ill. Reg. 20669, effective October 6, 1984; amended at 9 Ill. Reg. 10710, effective July 1, 1985; amended at 9 Ill. Reg. 18134, effective November 12, 1985; amended at 10 Ill. Reg. 8684, effective May 12, 1986; amended at 10 Ill. Reg. 21064, effective December 9, 1986; amended at 11 Ill. Reg. 682, effective December 18, 1986; recodified at 11 Ill. Reg. 4631; amended at 12 Ill. Reg. 757, effective December 23, 1987; amended at 12 Ill. Reg. 14639, effective September 6, 1988; amended at 12 Ill. Reg. 15530, effective September 19, 1988; amended at 13 Ill. Reg. _____, effective _____.

NOTE: Capitalization denotes statutory language.

SUBPART A: GENERAL PROVISIONS

Section 100.70 Administrative Requirements

For the purpose of this Part, administrative requirements specified in 47 Ill. Adm. Code 1 and as follow are applicable.

a) Budget Modification

The Grantee cannot be reimbursed for excessive costs incurred against total program or administrative cost category amounts. Within a specific cost category, the Grantee may be reimbursed for costs exceeding amounts budgeted by line item, if the variance is within 10% of the original line item as set forth in the Budget.

1) The Grantee must, in writing, request of the Department a budget modification if expenditures exceed the budget limitations set forth below:

- A) Total program budget amount;
- B) Total administration cost category amount and any line item amount within the cost category;
- C) More than 20% of the special cost category budget amount;
- D) More than 20% of the direct client assistance cost category budget amount or the materials line item

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budget amount; and

- E) More than 20% of any line item budget amount within the program support cost category except the contractual services, paid labor, and equipment budget amounts.
- 2) Any decrease to the paid labor or materials line item cost categories requires approval in writing of the Department. Failure by the Grantee to request approval of the Department of budget variations, consistent with the limitations stated in Section 100.70(c)(5)(A) of this Part, shall be deemed sufficient reason for the Department to disallow costs incurred in excess of such limitations even if such costs are within the limits for the program or administration cost categories.
- 3) If the Grantee wishes to make modifications to the Grant Agreement which exceed the limits specified in Section 100.70(c)(5)(A) of this Part or modify those line items or cost categories which are restricted, the Grantee must submit a formal standardized written modification request to the Department prior to expenditure of funds in a manner other than the approved budget.
- 4) The Department will approve modification requests if they are necessary to achieve program objectives; required by increases or decreases in program funding; or result in greater program cost efficiencies. If the Department approves the modification request, the Grantee will be notified in writing of the change and effective date. If the Department rejects the modification, the Department will notify the Grantee in writing of the reason(s) for denial.

b) Reporting --

- 1) An Expenditure Summary and Payment Request shall be submitted to the Department on or before the tenth calendar day of each month after the first month of the program year, using forms provided by the Department.
- 2) An agency-wide statement of Revenues and Expenditures (Statement) for the prior twelve (12) month period ending September 30 and Balance Sheet for the period ending September 30 shall be submitted annually to the Department by any Grantee which is not covered under the Single-Audit Act of 1984 (31 U.S.C. 7501-7507) or does not have an

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existing agreement with the Department and its other funding sources for an annual Agency-Wide Audit in order to be exempt from this requirement; the Single-Audit Agency-Wide Audit must include a Balance Sheet and Funds as described in Appendix II of Guidelines for Financial and Compliance Audits of Federally-Assisted Programs published by the United States General Accounting Office (October, 1978); the Department will approve written requests for alternative twelve (12) month base periods, such as the grantee agency's fiscal year end date, when such requests are made prior to mid-term of the grant agreements subject to this Part; the Statement and Balance Sheet must be received by the Department on or before November 1 of each program year or within sixty (60) days of the approved base period; the Statement and Balance Sheet must be signed by the Grantee's fiscal officer; certifying the documents accuracy; and co-signed by the Chairperson of the Board and prepared in accordance with generally accepted accounting principles of the American Institute of Certified Public Accountants (AICPA) (June, 1984);

(Source: Amended at 13 Ill. Reg. _____, effective _____)

Section 100.85 Dispute Procedures

Applicants shall be provided with an opportunity for a fair administrative hearing when claims for energy assistance are denied or are not acted upon within prescribed timelines (see Section 100.120(d)). Local Administering Agencies (LAA's) shall inform each applicant of their right to the appeals process. The hearing and appeals process includes three levels of appeal: the informal conference, the state review, and the formal hearing.

a) The Informal Conference

- 1) This process consists of an initial informal conference held by a staff hearing officer of the LAA at which the applicant applied. This informal conference is designed to ensure that the applicant understands the reason(s) for the action taken by the LAA and to ensure that the application was processed in accordance with Section 100.120.
- 2) Any applicant receiving or denied energy assistance has a right to request an informal conference within thirty (30) days of receipt of a denial notice.
- 3) Any applicant who has submitted a completed application but has not been notified of the application status within thirty (30) days of the date of a complete application, has

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a right to request an informal conference within sixty (60) days of the date the application was complete.

4) Any applicant requesting an informal conference shall be furnished the reason for the denial of his/her application and be allowed to review the documents leading to the decision prior to the informal conference.

5) The informal conference must:

A) be held at the application site closest to the applicant's residence or at the applicant's residence if they are confined;

B) be conducted by an LAA staff member who was not involved in the original decision (the Illinois Home Energy Assistance Program (IHEAP) coordinator may also attend);

C) be held within fifteen (15) calendar days of the receipt of request;

D) afford the applicant an opportunity to bring an interpreter and/or representative; and

E) allow the applicant to present oral and written testimony on his/her behalf.

6) The LAA will give the applicant a written statement at the end of the conference describing the result of the conference and citing the policy reasons for the decision. A copy of this report must be filed in the applicant's file.

7) In the event of a finding in support of an applicant whose application has been denied by the LAA, the LAA shall, within fifteen (15) days of the finding, process the application and notify the applicant and the vendor(s) in writing of the applicant's eligibility. In the case of an emergency assistance application, the LAA shall process the application and notify the applicant and the vendor(s) within forty-eight (48) hours. In the event of a disapproval, the LAA shall provide the applicant with a Request for State Review Form. The request must specify the LAA at which the household applied for assistance, whether the LAA has held an informal conference, and the reasons for requesting a state review.

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b) State Review

If the applicant A requests for a state review must be filed with the Department within thirty (30) days after the informal conference. If timely made, the Department will appoint a state reviewing officer who will review the applicant's file and the informal conference report. A written decision will be made. The request is considered made on the day the request is received by the Department (per the date stamp on the correspondence). The Department will notify the LAA that a request for state review has been filed. The LAA must, within five (5) days of the request for state review, provide both the Department and the applicant with a full copy of the applicant's file. A state reviewing officer will review the file to determine if the application contains all information required in Section 100.120(c) and all testimony presented at the informal conference. The state reviewing officer shall ascertain if the applicant was provided with a Request for State Review Form in accordance with subsection (a)(7) and determine if the informal conference decision regarding eligibility was correct (see Section 100.120(b) for eligibility criteria). This determination will be made and a letter sent to the applicant and the LAA within fifteen (15) days of the request for state review. In the event of a finding in support of an applicant whose application has been denied by the LAA, the LAA shall approve and process the application, and notify the applicant and the vendor(s) in writing within fifteen (15) days of notification of the finding from the State. In the case of an emergency assistance application, the LAA shall process the application and notify the applicant and the vendor(s) within forty-eight (48) hours of notification of the finding from the State. In the event of a disapproval, the State shall provide the client with a Request for Formal Review Form. The request must specify the LAA at which the household applied for assistance, whether an informal conference has been held, if the state review has been conducted and the household notified of the decision, and the reasons for requesting a formal hearing.

c) The Formal Hearing

If not satisfied with the results of the state review, the applicant must request a formal hearing by sending a written request to the Department who will notify the LAA that the request has been made by the applicant. This request must be received by the Department within thirty (30) calendar days of the date on which the state review letter was mailed by the Department. The Department will provide the applicant with a notice of the hearing in accordance with Section 10 of the

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Illinois Administrative Procedure Act (Ill. Rev. Stat. 1987, ch. 127, par. 1010). The hearing will be conducted by a hearing officer, who has not participated in any earlier decision concerning this application, within thirty (30) days from the date the formal hearing request was received by the Department. The formal hearing will meet the following standards.

- 1) The hearing will be held at the application site closest to the applicant's residence or at the applicant's residence if they are confined.
- 2) The applicant will be afforded an opportunity to review his/her file.
- 3) The hearing will be taperecorded.
- 4) The decision will be based on the record, which will comply with Section 11 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1987, ch. 127, par. 1011) and which will be made pursuant to the procedures set forth in Section 13 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1987, ch. 127, par. 1013). The hearing officer will determine if the household is eligible in accordance with Section 100.120(b).

- 5) If requested by the applicant, the applicant will be provided interpretive and auxiliary services (e.g., transportation).

- 6) The applicant will have the right to:

- A) be accompanied and/or represented by another;
- B) present written and oral statements and other evidence in accordance with Section 12 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1987, ch. 127, par. 1012);

- C) bring an interpreter; and

- D) present and question witnesses.

- 7) Within ten (10) days of the formal hearing, the state appeals review board shall send a written determination to the applicant and the LAA in accordance with Section 14 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1987, ch. 127, par. 1014).

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- 8) In the event of a finding in support of an applicant whose application has been denied by the LAA, the LAA shall, within fifteen (15) days of notification of the finding, process the application and notify the applicant and the vendor(s) in writing of the applicant's eligibility. In the case of an emergency application, the LAA will process the application and notify the applicant and the vendor(s) within forty-eight (48) hours.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

Section 100.90 Complaint Process

~~In the event of an Applicant for grantee status, grantee, or Home Energy Assistance Program client/applicant, the Department will follow the procedures outlined in the Administrative Review Law (Ill. Rev. Stat. 1985, ch. 110, pars. 3-10 et seq.) 47 Ill. Adm. Code 10 for complaints filed by LAA's or other Recipients (as defined in 47 Ill. Adm. Code 10.10). Procedures specified in Section 100.85 of this Part will be followed for complaints by applicants for energy assistance.~~

(Source: Amended at 13 Ill. Reg. _____, effective _____)

SUBPART B: ENERGY ASSISTANCE

Section 100.110 Program Components

- a) As indicated in Section 100.10(b) of this Part, the State has certified to the federal government that it will use the funds available under the Home Energy Assistance Block Grant to provide assistance to eligible households to meet the costs of home energy, and more specifically to provide:

- 1) assistance in the form of a cash payment made directly to the eligible household should that household purchase home energy as an undesignated portion of rent;
 - 2) payments to a home energy vendor on behalf of the eligible household;
 - 3) low cost weatherization and/or energy-related home repairs applied directly to an eligible household's residence; and
 - 4) emergency services to an eligible household in an energy-related life-or-health threatening situation.
- b) In order to carry out this program the State will annually establish its program design. Contingent upon the amount of

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funding provided to the State, the program will consist of one or more of the following components:

- 1) Home Energy Assistance
 - A) The first and largest component of the program is designed to provide eligible households with financial assistance to help them meet the rising costs of home energy. Home energy is defined as the primary source of energy used by the eligible household to heat or, where medically necessary, cool the household's residence. Cooling assistance will be provided only if sufficient funds are remaining as of July 1 of the program year. The Illinois Home Energy Assistance Program will provide assistance to eligible households in two forms: direct cash assistance and payments made to vendors on behalf of eligible households.
 - B) In order to carry out this component, the Department of Commerce and Community Affairs will utilize delegate agencies and/or local administering agencies to provide assistance.
- 2) Emergency Assistance

If sufficient funding is available, the Department of Commerce and Community Affairs will set aside an amount of the Illinois allocation for use in emergency situations. A distinction will be made between weather and supply emergencies which affect the entire eligible population and energy related emergencies which affect an individual household. Under this component, both types will receive consideration. In the event of a weather-related natural disaster, such as major blizzard, the Department of Commerce and Community Affairs will develop its response based upon what is needed to eliminate the threat to life and health. Activities under this component will be coordinated with the State Emergency Services and Disaster Agency, local disaster relief agencies, and the network of local administering agencies. In addition, individual responses to energy related emergencies affecting single households will be available under the Emergency Assistance Component. Emergency Assistance will be provided only after a household has actually been disconnected from its primary heat source, its cooling source or any secondary energy source which is an integral part of the primary heating system (i.e., secondary source is needed to produce

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heat). An eligible household may receive an emergency service payment up to \$600 depending on the amount needed to reconnect. No payment may be made unless reconnection is assured. All payments are made to the utility which disconnected the applicant on behalf of the applicant.

- 3) Home Weatherization Assistance

The Department of Commerce and Community Affairs will annually utilize up to the maximum 15 percent allowable under the provision of the law to operate a Weatherization component. The purpose of the Weatherization component is to decrease the amount of energy consumed by low-income households and thereby reduce the financial strain on the resources of such households. Energy assistance funds will be used to supplement the Weatherization program which is federally funded by the Department of Energy (DOE).

(Source: Amended at 13 Ill. Reg. _____, effective _____)

- 100.120 Determination of Household Eligibility
 - a) Application Processing - Household applications for assistance through program components contained in Section 100.110 will be accepted on a year-round basis by local administering agencies, given there are funds allocated to the county's local administering agency to grant assistance through program components.
 - b) Eligibility Requirements - Local administering agencies are responsible for determining household eligibility in accordance with Section 2605(b)(2) of the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35) (codified at 42 U.S.C. 8621 et seq.) and shall MAKE PAYMENTS UNDER THIS TITLE ONLY WITH RESPECT TO -
 - 1) HOUSEHOLDS IN WHICH 1 OR MORE INDIVIDUALS ARE RECEIVING -
 - A) AID TO FAMILIES WITH DEPENDENT CHILDREN UNDER THE STATE'S PLAN APPROVED UNDER PART A OF TITLE IV OF THE SOCIAL SECURITY ACT (OTHER THAN SUCH AID IN THE FORM OF FOSTER CARE IN ACCORDANCE WITH SECTION 408 OF SUCH ACT);
 - B) SUPPLEMENTAL SECURITY INCOME PAYMENTS UNDER TITLE XVI OF THE SOCIAL SECURITY ACT;
 - C) FOOD STAMPS UNDER THE FOOD STAMP ACT OF 1977; OR

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- D) PAYMENTS UNDER SECTION 415, 521, 541, OR 542 OF TITLE 38, UNITED STATES CODE, OR UNDER SECTION 306 OF THE VETERANS' AND SURVIVORS' PENSION IMPROVEMENT ACT OF 1978; OR
- 2) HOUSEHOLDS WITH INCOMES WHICH DO NOT EXCEED THE GREATER OF -
- A) AN AMOUNT EQUAL TO 150 PERCENT OF THE POVERTY LEVEL FOR SUCH STATE; OR
- B) AN AMOUNT EQUAL TO 60 PERCENT OF THE STATE MEDIAN INCOME; EXCEPT THAT NO HOUSEHOLD MAY BE EXCLUDED FROM ELIGIBILITY UNDER THIS SUBCLAUSE FOR PAYMENTS UNDER THIS TITLE FOR FISCAL YEAR 1986 AND THEREAFTER IF THE HOUSEHOLD HAS AN INCOME WHICH IS LESS THAN 110 PERCENT OF THE POVERTY LEVEL FOR SUCH STATE FOR SUCH FISCAL YEAR.
- 3) A household applying for emergency service must meet:

- A) income guidelines as specified in subsection (b)(2);
- B) be disconnected from their primary and/or secondary heat source; and
- C) have paid toward their primary and/or secondary heat source within the past 90 days a "good faith" payment of not less than ten percent of the household's past 90 day income. The ten percent rule may be waived in cases of extreme economic hardship. Extreme economic hardship exists when the household's source of income has been permanently terminated for at least 30 days and a new source of income has not commenced.

- c) Application Requirements - A client application is complete when it contains:

- 1) a copy of utility bill(s) or landlord statement that energy payments are included in the rent;
- 2) proof of income for any household member age 18 or older (e.g., check stub or public aid green card);
- 3) for an applicant whose utility service has been disconnected, and is applying for an emergency service payment, proof that the household has paid 10% of its household income over the last 90 days toward its utility

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- bills (e.g., a copy of the applicant's utility bills);
- 4) head of household information;
- 5) dwelling information;
- 6) household income information; and
- 7) home energy information.
- d) Notification Requirements - Households will receive written notification regarding eligibility determination within 30 days of the date the client application is complete. Additionally, vendors (i.e., utility companies) receiving a payment on behalf of an eligible household will be notified in writing of the household's eligibility.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

ILLINOIS REGISTER

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Employment
- 2) Code Citation: 56 Ill. Adm. Code 2732
- 3) Section Number: Proposed Action:
2732.210 New Section
- 4) Statutory Authority: Ill. Rev. Stat., 1987, ch. 48, pars.
322, 610 and 611.
- 5) A Complete Description of the Subjects and Issues Involved:
This proposed amendment provides that services as a juror do not constitute employment under the Act because such service is mandatory and because there is no employer-employee relationship.
- 6) Will the proposed amendment replace an emergency amendment currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Does this proposed amendment contain an incorporation by reference pursuant to Section 6.02 of the Illinois Administrative Procedure Act? No.
- 9) Are there any other proposed amendments pending on this Part? No.
- 10) Statement of Statewide Policy Objective? Not Applicable.
- 11) Time, place and manner in which interested persons may comment on this Proposed Rulemaking: All persons who submit a request to comment regarding this proposed amendment within 20 days after this notice has been published in the ILLINOIS REGISTER will be given a reasonable opportunity to submit data, views, arguments or comments. The request shall be addressed to:

Stella Adams Cuthbert, Commissioner
Illinois Department of Employment Security
401 South State Street - 2nd Floor South
Chicago, IL 60605
312-793-4240

ILLINOIS REGISTER

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED RULES

- 12) Initial Regulatory Flexibility Analysis:
Date rules were submitted to the Small Business Office of the Department of Commerce and Community Affairs:
February 3, 1989.
Types of small businesses affected: Only local governmental entities with the power to require mandatory jury service.
Reporting, bookkeeping or other procedures required for compliance: None - this amendment only sets forth the agency's interpretation of the Act.
Types of professional skills necessary for compliance: None.

The full text of the Proposed Amendment appears on the following page of the Illinois Register.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

1) The Heading of the Part: AID TO FAMILIES WITH DEPENDENT CHILDREN

2) Code Citation: 89 Ill. Adm. Code 112

3) Section Number: 112.40
Proposed Action: Amendment

4) Statutory Authority: Sections 2501 thru 2526 of the Illinois Parentage Act of 1984 (Ill. Rev. Stat. 1987, Ch. 40, Pars. 2501 thru 2526)

5) A Complete Description of the Subjects and Issues Involved: This rulemaking eliminates the ability of a relative of a child's putative father to establish a relationship to the child by using the putative father's signed notarized acknowledgment of paternity. This change brings Department policy into conformity with the Illinois Parentage Act of 1984 which does not allow a putative father's notarized signature on an acknowledgement of paternity as a method to establish a parent and child relationship.

6) Will this proposed amendment replace an emergency amendment currently in effect? No

7) Does this rulemaking contain an automatic repeal date? Yes X No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
112.5	New Section	December 16, 1988 (12 Ill. Reg. 20661)
112.78	Amendment	December 30, 1988 (12 Ill. Reg. 22308)

10) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governmental units.

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED RULES

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY
SUBCHAPTER C: RIGHTS AND DUTIES OF EMPLOYERS

PART 2732
EMPLOYMENT

SUBPART B: SERVICES IN EMPLOYMENT

Section 2732.210

Mandatory Jury Service

AUTHORITY: Implementing and authorized by Sections 212, 1700, and 1701 of the Unemployment Insurance Act (Ill. Rev. Stat. 1987, ch. 48, pars. 332, 610 and 611).

SOURCE: Adopted at 13 Ill. Reg. _____, effective _____.

SUBPART B: SERVICES IN EMPLOYMENT

Section 2732.210 Mandatory Jury Service

Mandatory service on a jury shall not constitute employment under the Unemployment Insurance Act nor shall payments made for such services constitute wages subject to the payment of contributions.

Example: A county requires that all registered voters, except those exempted by law, be available to serve on juries for the county court system. The jurors are paid on a per diem basis for their services. Such services are not voluntary and are compelled by law. Therefore, pursuant to this Section, such services shall not constitute employment nor shall the per diem payments constitute wages.

(Source: Added at 13 Ill. Reg. _____, effective _____)

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11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning the proposed rulemaking. All comments must be in writing and should be addressed to Anita Williams, Office of the General Counsel, Illinois Department of Public Aid, 100 South Grand Avenue East, Springfield, Illinois 62762 (217) 782-1233. The Department will consider all written comments it receives within 30 days of the date of publication of this notice.

12) Initial Regulatory Flexibility Analysis: This rulemaking has no effect on small businesses.

The full text of the Proposed Amendment begins on the next page:

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SUBCHAPTER b: ASSISTANCE PROGRAMS

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AUTHORITY: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, ch. 23, pars. 4-1 et seq. and 12-13).

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective

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June 23, 1981; amended at 5 Ill. Reg. 8041 effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982, amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 11, 1983; rules repealed and new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15690, effective November 9, 1983; amended (by adding sections being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill. Reg. 17344, effective December 21, 1983; amended at 8 Ill. Reg. 213, effective December 27, 1983; emergency amendment at 8 Ill. Reg. 569, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4176, effective March 19, 1984; amended at 8 Ill. Reg. 5207, effective April 9, 1984; amended at 8 Ill. Reg. 7226, effective May 16, 1984; amended at 8 Ill. Reg. 11391, effective June 27,

1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17894; peremptory amendment at 8 Ill. Reg. 18127, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 19889, effective October 1, 1984; amended at 8 Ill. Reg. 19983, effective October 3, 1984; emergency amendment at 8 Ill. Reg. 21666, effective October 19, 1984 for a maximum of 150 days; amended at 8 Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023, effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill. Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094, effective June 19, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9, 1985; amended at 9 Ill. Reg. 15887, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; amended at 9 Ill. Reg. 17827, effective November 18, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11172, effective January 10, 1986; amended at 10 Ill. Reg. 3641, effective January 30, 1986; amended at 10 Ill. Reg. 4885, effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; amended at 10 Ill. Reg. 10528, effective June 1, 1986; amended at 10 Ill. Reg. 11017, effective June 6, 1986; Sections 112.78 through 112.86 and 112.88 recodified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11928; emergency amendment at 10 Ill. Reg. 12107, effective July 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12650, effective July 14, 1986; amended at 10 Ill. Reg. 14681, effective August 29, 1986; amended at 10 Ill. Reg. 15101, effective September 5, 1986; amended at 10 Ill. Reg. 15621, effective September 19, 1986; amended at 10 Ill. Reg. 21860, effective December 12, 1986; amended at 11 Ill. Reg. 2280, effective January 16, 1987; amended at 11 Ill. Reg. 3140, effective January 30, 1987; amended at 11 Ill. Reg. 4682, effective March 6, 1987; amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 6228, effective March 20, 1987; amended at 11 Ill. Reg. 9927, effective May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 12935, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13625, effective August 1, 1987; amended at 11 Ill. Reg. 14755, effective August 26, 1987; amended at 11 Ill. Reg. 18679, effective November 1, 1987; emergency amendment at 11 Ill. Reg.

18781, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987; Sections 112.90 and 112.95 recodified to Sections 112.52 and 112.54 at 11 Ill. Reg. 20610; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 844, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1929, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 2126, effective January 12, 1988; SUBPARTS C, D and E recodified to SUBPARTS G, H and I at 12 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 18, 1988; amended at 12 Ill. Reg. 6694, effective March 22, 1988; amended at 12 Ill. Reg. 7336, effective May 1, 1988; amended at 12 Ill. Reg. 7673, effective April 20, 1988; amended at 12 Ill. Reg. 9032, effective May 20, 1988; amended at 12 Ill. Reg. 10481, effective June 13, 1988; amended at 12 Ill. Reg. 14172, effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective September 16, 1988; amended at 13 Ill. Reg. 70, effective January 1, 1989; amended at 13 Ill. Reg. _____, effective _____.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

Section 112.40 Relationship

- a) The child(ren) must be living with a blood relative, step-relative or adoptive relative in the relative's home.
- b) A CHILD CONCEIVED OR BORN-IN-WEDLOCK IS PRESUMED TO BE THE CHILD OF THAT MARRIAGE IN THE ABSENCE OF A COURT FINDING TO THE CONTRARY (Section 5 of the Illinois Parentage Act of 1984, Ill. Rev. Stat. 1985 1987, ch. 40, par. 2505).
- c) Relationship between a child born out-of-wedlock and the child's putative father may be established by:
 - 1) adjudication; or
 - 2) legal presumption of paternity. A legal presumption of paternity exists when the putative father married the child's natural mother after the child's birth and he is named as father on the child's birth certificate pursuant to Section 12 of the Vital Records Acts (Ill. Rev. Stat. 1985 1987, ch. 111 1/2, par. 73-12).

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Section 112.40 Relationship (Cont'd.)

d) Relatives of the child's putative father may establish relationship to the child provided one of the following criteria is met:

- 1) Paternity has been established by:
 - A) adjudication, legal presumption of paternity, or acknowledgement in open court by the putative father ~~or the putative father's notarized signature on an acknowledgement of paternity~~; and
 - B) the relationship between the putative father and the caretaker relative (defined at 89 Ill. Adm. Code 101.20) has been verified.
- 2) The putative father's relationship to the child and his relationship to the caretaker relative has been verified by such sources as:
 - A) birth records;
 - B) baptismal certificate;
 - C) bible entries;
 - D) census records;
 - E) medical records;
 - F) Social Security records;
 - G) Veteran's Administration records;
 - H) Immigration/Naturalization Service Records; or
 - I) death certificates.

3) Any of the verification factors in Section 112.40 (d)(2), establish the caretaker relative as having a specified relationship to the child.

4) Other documentary evidence which establishes the paternity of the child, such as affidavits from

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Section 112.40 Relationship (Cont'd.)

disinterested parties, old personal correspondence or a statement from the mother, shall be used to establish the required relationship between the caretaker and child. Such other evidence shall establish, to the Department's satisfaction, that the putative father is more than likely the actual father of the child.

- e) The relationship between a child and other specified relatives may be established by court documents which contain statements mentioning the relationship if other sources of verification cannot be obtained.
- f) When the required relationship exists between the child and the relative, the relative is referred to as a specified relative.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

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- 1) The Heading of the Part: GENERAL ASSISTANCE
 - 2) Code Citation: 89 Ill. Adm. Code 114
 - 3) Section Number:
114.127
Proposed Action:
Amendment
 - 4) Statutory Authority: Sections 6-8 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, pars. 6-8 and 12-13)
 - 5) A Complete Description of the Subjects and Issues Involved: This rulemaking implements the IWRMO V. Duffy Consent Decree. Specifically, this rulemaking provides that the work assignment Sponsor shall not use Project Chance participants to displace persons: (1) who are already employed as regular full-time or part-time employees of the Sponsor, regardless of whether those employees are on active status or are on leave status due to disability, personal reasons, or any other reason; (2) who are or have been involved in a labor dispute between a labor organization and the Sponsor; or (3) who have been temporarily laid off by the Sponsor.
 - 6) Will this proposed amendment replace an emergency amendment currently in effect? No
Yes ☒ No ☐
 - 7) Does this rulemaking contain an automatic repeal date?
Yes ☐ No ☒
 - 8) Does this proposed amendment contain incorporations by reference? No
Part? Yes ☐
 - 9) Are there any other proposed amendments pending on this Part? Yes ☐
- | Section Numbers | Proposed Action | Illinois Register Citation |
|-----------------|-----------------|---|
| 114.5 | New Section | December 16, 1988
(12 Ill. Reg. 20697) |
- 10) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governmental units.

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- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning the proposed rulemaking. All comments must be in writing and should be addressed to Anita Williams, Office of the General Counsel, Illinois Department of Public Aid, Jessie B. Harris Building II, 100 South Grand Avenue East, 3rd Floor, Springfield, Illinois 62762, (217) 782-1233. The Department will consider all written comments it receives within 30 days of the date of publication of this notice.
- 12) Initial Regulatory Flexibility Analysis:
 - A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: February 3, 1989
 - B) Types of small businesses affected: Community based not-for-profit, private or governmental agencies and public or private education and vocational training institutions.
 - C) Reporting, bookkeeping or other procedures required for compliance: No additional reporting procedures required.
 - D) Types of professional skills necessary for compliance: No additional professional skills required.

The full text of the Proposed Amendment begins on the next page:

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TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 114
GENERAL ASSISTANCE

SUBPART A: GENERAL PROVISIONS

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114.1 Description of the Assistance Program

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

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114.9 Client Cooperation
114.10 Citizenship
114.20 Residence
114.30 Age
114.40 Relationship
114.50 Living Arrangement
114.52 Social Security Numbers
114.60 Work Registration Requirements
114.61 Individuals Exempt From Work Registration Requirements
114.62 Job Service Registration
114.63 Failure to Maintain Current Job Service Registration
114.64 Responsibility to Seek Employment
114.70 Initial Employment Expenses
114.80 Work and Training Programs
114.100 General Assistance Jobs Program (Repealed)

SUBPART C: PROJECT ADVANCE

Section
114.108 Project Advance
114.109 Project Advance Participation Requirements of Adjudicated Fathers
114.110 Project Advance Cooperation Requirements of Adjudicated Fathers
114.111 Project Advance Sanctions
114.113 Project Advance Good Cause for Failure to Comply
114.115 Individuals Exempt From Project Advance
114.117 Project Advance Supportive Services

SUBPART D: PROJECT CHANCE

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114.120 Employment, Training, Rehabilitation, and Advocacy for General Assistance Programs Administered by the Illinois Department of Public Aid
114.121 Persons Required to Participate in Employment and Training
114.122 Advocacy Program for Persons Who Have Applied for Supplemental Security Income (SSI) Under Title XVI of the Social Security Act
114.123 Persons in Need of Work Rehabilitative Services (WRS) to Become Employable
114.124 Employment and Training Participation/Cooperation Requirements
114.125 Employment and Training Program Orientation
114.126 Employment and Training Program Full Assessment Process/Development of an Employment Plan
114.127 Employment and Training Program Components
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114.129 Good Cause For Failure to Cooperate With Work and Training Participation Requirements
114.130 Employment and Training Supportive Services
114.140 Employment Child Care

SUBPART E: FINANCIAL FACTORS OF ELIGIBILITY

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114.200 Unearned Income
114.201 Budgeting Unearned Income
114.202 Budgeting Unearned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
114.203 Initial Receipt of Unearned Income
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114.210 Exempt Unearned Income
114.220 Education Benefits
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114.222 Earmarked Income
114.223 Lump Sum Payments
114.224 Protected Income
114.225 Earned Income
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114.240 Income From Work/Study/Training Program
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Section
114.242 Earned Income From Roomer and Boarder
114.243 Earned Income From Rental Property
114.244 Earned Income In-Kind
114.245 Payments from the Illinois Department of Children and Family Services
114.246 Budgeting Earned Income For Contractual Employees
114.247 Budgeting Earned Income For Non-contractual School Employees
114.250 Assets
114.251 Exempt Assets
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SUBPART F: PAYMENT AMOUNTS

Section
114.350 Payment Levels for General Assistance
114.351 Payment Levels in Group I Counties
114.352 Payment Levels in Group II Counties
114.353 Payment Levels in Group III Counties

SUBPART G: OTHER PROVISIONS

Section
114.400 Persons Who May Be Included In the Assistance Unit
114.401 Eligibility of Strikers
114.402 Special Needs Authorizations
114.403 Institutional Status
114.404 Retrospective Budgeting
114.405 Budgeting Schedule
114.420 Redetermination of Eligibility
114.430 Six Month Extension of Medical Assistance Due to Increased Income From Employment

AUTHORITY: Implementing Article VI and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, ch. 23, pars. 6-1 et seq. and 12-13).

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective

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November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 1, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982, amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June

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2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 7, 1983; amended (by adding sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 9909, effective August 5, 1983; amended (by adding section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding section being codified with no substantive change) at 7 Ill. Reg. 16107; amended at 7 Ill. Reg. 16408, effective November 30, 1983; amended at 7 Ill. Reg. 16652, effective December 1, 1983; amended at 8 Ill. Reg. 243, effective December 27, 1983; amended at 8 Ill. Reg. 5233, effective April 9, 1984; amended at 8 Ill. Reg. 6764, effective April 27, 1984; amended at 8 Ill. Reg. 11435, effective June 27, 1984; amended at 8 Ill. Reg. 13319, effective July 16, 1984; amended at 8 Ill. Reg. 16237, effective August 24, 1984; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17896; amended at 9 Ill. Reg. 314, effective January 1, 1985; emergency amendment at 9 Ill. Reg. 823, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9557, effective June 5, 1985; amended at 9 Ill. Reg. 10764, effective July 5, 1985; amended at 9 Ill. Reg. 15800, effective October 16, 1985; amended at 10 Ill. Reg. 1924, effective January 17, 1986; amended at 10 Ill. Reg. 3660, effective January 30, 1986; emergency amendment at 10 Ill. Reg. 4646, effective February 3, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 4896, effective March 7, 1986; amended at 10 Ill. Reg. 10681, effective June 3, 1986; amended at 10 Ill. Reg. 11041, effective June 5, 1986; amended at 10 Ill. Reg. 12662, effective July 14, 1986; amended at 10 Ill. Reg. 15118, effective September 5, 1986; amended at 10 Ill. Reg. 15640, effective September 19, 1986; amended at 10 Ill. Reg. 19079, effective October 24, 1986; amended at 11 Ill. Reg. 2307, effective January 16, 1987; amended at 11 Ill. Reg. 5297, effective March 11, 1987; amended at 11 Ill. Reg. 6238, effective March 20, 1987; emergency amendment at 11 Ill. Reg. 12449, effective July 10, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 12948, effective August 1, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 18311, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 18689, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18791, effective

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November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20129, effective December 4, 1987; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 889, effective January 1, 1988; SUBPARTS C, D and E recodified to SUBPARTS E, F and G at 12 Ill. Reg. 2147; Section 114.110 recodified to Section 114.52 at 12 Ill. Reg. 2984; amended at 12 Ill. Reg. 3505, effective January 22, 1988; amended at 12 Ill. Reg. 6170, effective March 18, 1988; amended at 12 Ill. Reg. 6719, effective March 22, 1988; amended at 12 Ill. Reg. 9108, effective May 20, 1988; amended at 12 Ill. Reg. 9699, effective May 24, 1988; amended at 12 Ill. Reg. 9940, effective May 31, 1988; amended at 12 Ill. Reg. 11474, effective June 30, 1988; amended at 12 Ill. Reg. 14255, effective August 30, 1988; emergency amendment at 12 Ill. Reg. 14364, effective September 1, 1988, for a maximum of 150 days; amendment at 12 Ill. Reg. 16729, effective September 30, 1988; amended at 12 Ill. Reg. 20171, effective November 28, 1988; amended at 13 Ill. Reg. 89, effective January 1, 1989; amended at 13 Ill. Reg. 1546, effective January 20, 1989; amended at 13 Ill. Reg. _____, effective _____.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE

Section 114.127 Employment and Training Program Components

a) Job Search

- 1) All mandatory registrants must participate in the Job Search (JS) component of Project Chance unless they are approved to participate in another Project Chance component based on the eligibility criteria of that component. During the JS component, mandatory registrants must attend all scheduled meetings including pre-arranged Job Skills Workshops conducted by other than Project Chance staff. The mandatory registrant will be notified in writing of all scheduled meetings. The failure of a mandatory registrant to appear for scheduled meetings, without good cause, will constitute noncooperation.
- 2) Mandatory registrants may be required to participate in Job Search both before and after the assessment process. Registrants who fail to cooperate in Job Search without good cause prior to assessment, shall be immediately scheduled for assessment. Registrants who fail to cooperate in

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(Cont'd)

Job Search without good cause after assessment, shall be sanctioned as explained in Section 114.128.

- 3) The mandatory registrant is required to actively contact employers in his/her efforts to secure employment (i.e., mandatory registrants are required to make twenty (20) acceptable employer contacts every thirty (30) days). No client shall be sanctioned for failure to make the appropriate number of job contacts, if the client has made a good faith effort to make the job contacts (see Section 114.124(c)).
- 4) At the end of the Job Search period, those mandatory registrants who have not found a job, but have demonstrated employability will continue in Job Search. Employability is demonstrated by the mandatory registrant's education, training, employment history, market factors, personal situations and experience in the Job Search component. After a client has been placed in Job Search two consecutive times, the client will be placed in a different component before being placed in Job Search again.

b) Pre-Employment

Mandatory registrants who are determined not employable or employed and in need of further training are referred to the Pre-Employment component. In the pre-Employment component, Project Chance staff provide information, referral, counseling services and supportive services to registrants to increase their employment potential and to remove significant barriers to employment. Mandatory registrants may be referred to testing, counseling and education resources, rehabilitation therapy, and agencies or programs which sponsor such activities (i.e., Job Training Partnership Act (JTPA) and Department of Rehabilitation Services (DORS)).

1) Eligibility Criteria

Approval of education and training plans is based

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upon the Department's assessment of the following factors:

- A) The program selected will lead to making the mandatory registrant employable, taking into consideration the time required to complete, the over-all cost and quality of the program (see Section 114.127(a)(4));
- B) The mandatory registrant has the aptitude, ability and interest necessary for success in the particular education or training program (as determined by such factors as test results, educational background and previous training);
- C) The program must be administered by an educational institution accredited by the Illinois State Board of Education or the Department of Registration and Education or is a Job Training Partnership Act (JTPA) or Special Projects-funded program;
- D) The mandatory registrant must apply for the Pell grant and scholarships from the Illinois State Scholarship Commission, as well as, any scholarships or grants identified by the education or training facility for which the mandatory registrant may be eligible. Such funds shall be exempt from consideration as income to the extent they are used to pay educational expenses, such as books, tuition and fees, provided the client is participating under an approved Project Chance education and training plan;
- E) The mandatory registrant does not possess a high school diploma or a GED certificate or possesses one and is in need of further training, (e.g., a Day Care Aide who must obtain further education to satisfy the requirements for that position);
- F) The mandatory registrant is enrolled in

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post-secondary education or in a vocational training program for which jobs will be available upon completion of training (as determined by the Department of Employment Security's Job Service Division and/or other documented and reliable sources [e.g., Horizons, Department of Commerce and Community Affairs and/or the placement officer at a education institution or facility]);

G) Enrollment cannot be in a baccalaureate or post-graduate degree program unless the mandatory registrant is in a Department of Rehabilitation Services sponsored program of this type;

H) Mandatory registrants must participate in a full-time program unless:

- i) a full-time program is not available (e.g., a full-time GED program is not available); or
- ii) a part-time program is the most appropriate (e.g., the mandatory registrant who only needs a four (4) hour course to complete);

I) Employed registrants may participate in programs to upgrade their employability potential (e.g., a Nurse Aide who must obtain further training to satisfy the requirements for that position).

2) Entry into the Component

The assignment into the Pre-Employment component results from the joint employment plan developed by the mandatory registrant and the Project Chance worker (see Section 114.126).

3) Participation Requirements

A) The mandatory registrant must maintain a

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level of satisfactory progress as established and reported by the educational facility.

B) Failure of the registrant to attend training or education classes three (3) times in a thirty (30) day period without good cause shall result in a sanction. Failure to participate without good cause in classes as defined by the education or training facility shall result in a sanction.

C) Curriculum changes can be made only with the prior written approval of the Project Chance worker. Prior approval will be granted when the curriculum change is consistent with the written goals of the training program.

D) The client must provide verification of attendance and progress (i.e., statements signed by the instructor, educational records and reports prepared at the end of the term). Additionally, if the Department is paying for transportation to enable the client to participate in the Pre-Employment activity, the client must provide monthly verification of his attendance.

4) Contact with Registrants

The registrant contacts the Project Chance worker on a monthly basis if the supportive service payments identified in Section 114.130 are being issued. Registrants not requiring supportive service payments or receiving these payments from another source require a contact every six (6) months or at program completion, whichever comes first.

5) Availability of Slots

If the Department determines the client should be in the Pre-employment component, but there are no appropriate slots available, the client will not be required to participate in any other Project

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(Cont'd)

Chance component while waiting for an appropriate slot to become available.

c) Job Club

Mandatory registrants who are determined employable but who are in need of highly intensified job search skills are referred to Job Club (i.e., Job Clubs conducted by JTPA and Adult Education Programs). Job Clubs are programs designed to facilitate job search activities. Job Club utilizes a highly intensive and positive group process approach to teach job finding techniques. Job search activities must be equivalent to those required in the JS component.

1) Eligibility Criteria

The Job Club component is for mandatory registrants determined to be:

- A) Employable (see Section 114.127(a)(4)), with a marketable skill (i.e., a skill for which jobs are available as determined by such sources as the Department of Employment Security.); and
 - B) Able to benefit from a highly intensive and structured approach to job seeking (e.g., the mandatory registrant is in need of job seeking skills); or
 - C) Interested in the technique employed.
- 2) Entry into the Component
- As Job Club slots become available, mandatory registrants are assigned to this component. Those mandatory registrants having the most recent employment taking into consideration such factors as the mandatory registrant's work history will be assigned first.
- 3) Participation Requirements
- A) Non-exempt mandatory registrants assigned to

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Section 114.127 Employment and Training Program Components
(Cont'd)

this component must cooperate as required by the Job Club to avoid sanction. Failure to attend one job search session, without good cause, shall result in a sanction.

- B) Mandatory registrants must be in full-time attendance as defined by the Job Club.

4) Job Search Requirement

- A) As in JS, mandatory registrants are required to make twenty (20) acceptable employer contacts (see Section 114.124) in a thirty (30) day period, or make a greater number of employer contacts as required by the Job Club. Failure to make twenty acceptable employee contacts in a thirty (30) day period, or make employer contacts as required by the Job Club, without good cause, results in a sanction. However, no client shall be sanctioned for failure to make the appropriate number of job contacts if the client has made a good faith effort to make the job contacts (see Section 114.124(c)).

- B) Mandatory registrants are required to provide the documentation of acceptable employer contacts (see Section 114.124) required by the Job Club staff.

5) Contact with Registrants

- A) Registrants are to contact the Project Chance worker on a monthly basis to verify full-time attendance and the need for supportive services (see Section 114.130). Contact need not be face-to-face. After such review, the Project Chance worker may schedule a meeting with the registrant to determine the registrant's continued eligibility for this component. After such contact, if it is determined by the registrant and the Project Chance worker that the registrant no longer satisfies the

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eligibility criteria specified in Section 114.127(c)(1), the mandatory registrant will be reassigned to another component of Project Chance.

- B) Job Club staff shall advise the Project Chance worker of a client's failure to participate as the situation arises.

d) Work Experience

Mandatory registrants who have not found employment and who need orientation to work, work experience, or training, in order to prevent deterioration of, or to enhance existing skills, may be referred to the Work Experience component. This is to provide the client with a meaningful work experience. The work experience shall not use Work Experience mandatory registrants to displace regular employees.

1) Eligibility Criteria

The work Experience component is for mandatory registrants determined:

- A) to have no recent work history or employer references taking into consideration such factors as the mandatory registrant's educational background and previous training; or
- B) to need experience to prevent deterioration of, or to enhance existing skills (e.g., typing).

2) Entry into the Component

- A) Registrants who are determined eligible for the Work Experience component, based on an assessment of their education, training and employment history, may be assigned to the Work Experience. Procedures used in the assessment are a face-to-face meeting with the mandatory registrant and a review of all available information on the mandatory

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registrant (including but not limited to the mandatory registrant's case record).

- B) The Work Experience is subdivided into Work Experience classifications which include: Clerical Aide, Dietary Aide, Maintenance Aide, and Program Aide. Mandatory registrants shall be placed in any of the classifications, considering to the extent possible, their prior training, proficiency, experience, skills, and vocational preference. Mandatory registrants will be selected from the appropriate subdivision taking into consideration such factors as the mandatory registrant's work history.

3) Participation Requirements

- A) Work assignment consists of three (3) consecutive months. Registrants are required to work with community based not-for-profit, private or government agencies and with public or private education and vocational training institutions. (The date the registrant is to appear at the work assignment begins the work assignment periods.) The registrant is required to work not more than the number of hours that correspond with his/her level of General Assistance grant plus Food Stamp benefits, divided by the federal minimum wage. If the registrant is also a member of a Food Stamp household consisting of more than one person, Food Stamp benefits shall be prorated among all members of the household to determine the number of hours the registrant is required to complete in the work assignment. The minimum number of hours that must be completed within a 30-day period is seventeen and one-half (17 1/2) hours, and the maximum number of hours that must be completed within a 30-day period is seventy (70) hours. Clients who receive less than \$58 a month in General Assistance

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and Food Stamp benefits are not required to participate in this component.

- B) During work assignment, registrants may be required to participate in education and training programs. Additionally, mandatory registrants are required to accept bona fide offers of employment pursuant to Section 114.124.
- C) Registrants are also required to report as scheduled and on time to their work assignment sponsor when notified of an assignment. When they cannot report to their work assignment or if they will be late, they are to immediately notify their work assignment sponsor.
- D) Failure to report to the job assignment initially, without good cause, failure to attend the work assignment one day in a thirty day period, without good cause shall result in a sanction.

4) Job Search

During work assignment, registrants who are not in approved education and training programs are required to make eight (8) acceptable employer contacts in a thirty (30) day period. Failure to make the required employer contacts without good cause, shall result in a sanction. However, no client shall be sanctioned for failure to make the appropriate number of job contacts if the client has made a good faith effort to make the job contacts (see Section 114.124(c)).

5) Reassignment

At the end of the three (3) month period, the registrant's employability will be evaluated using the procedures and criteria described in Section 114.126. If continuing the work assignment will benefit the registrant in terms of furthering work skills (see Section

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114.124(e)(1)(A) and (B)), the registrant shall be reassigned to the work assignment. Otherwise, the registrant will be assessed for assignment to another Project Chance component. A registrant may only be assigned to two (2) consecutive Work Experience components. If a client has been in Work Experience two (2) consecutive times, the client will be placed in a different component before being placed in Work Experience again.

6) Displacement

The work assignment Sponsor shall not use mandatory registrants to displace persons: (1) who are already employed as regular full-time or part-time employees of the Sponsor, regardless of whether those employees are on active status or are on leave status due to disability, personal reasons, or any other reason; (2) who are or have been involved in a labor dispute between a labor organization and the Sponsor; or (3) who have been temporarily laid off by the Sponsor.

e) Special Projects

Mandatory registrants who will benefit from short-term training and job placement assistance are referred to the Special Projects component. The Special Projects component offers special time-limited services for specific target populations. (The location of Special Projects vary depending on area needs and project availability.)

1) Eligibility Criteria

The Special Projects component is for mandatory registrants determined to:

- A) be able to benefit from short-term vocational training (e.g., an individual who has the interest and ability to complete the training program and be hired in a position for which he has trained);
- B) be readily employable with the addition of

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short-term training (e.g., training for a specific job for which there are jobs available); and

- C) meet specific project entry criteria.

- 2) Entry into the Component

Assignment of mandatory registrants to Special Projects will be made subsequent to participation in the full assessment.

- 3) Participation Requirements

- A) The mandatory registrant must maintain a level of satisfactory attendance and progress as established and reported by Special Projects staff. Failure to attend training, without good cause, as specified for the Special Projects, shall result in a sanction.

- B) The client must provide verification of attendance and progress (i.e., statements signed by the instructor, records and reports prepared at the end of the term). Additionally, if the Department is paying for transportation to enable the client to participate in the Special Projects the client must provide monthly verification of his attendance.

- 4) Contact with Registrant

The Project Chance worker contacts mandatory registrants on a monthly basis if the supportive service payments identified in Section 114.130 are issued. Mandatory registrants not requiring supportive service payments or receiving these payments from another source require a contact every six (6) months or at program completion whichever comes first. Mandatory registrant contact consists of attendance reports, progress reports, group or individual sessions, on-site program visits and written correspondence.

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- f) A Project Chance mandatory registrant, once assigned to a component, shall not be sanctioned for noncooperation with Project Chance where the alleged noncooperation is based, in whole or in part, on participation requirements not listed in these rules.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

ILLINOIS RACING BOARD

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- 1) The Heading of the Part: Pick Six Rules
- 2) Code Citation: 11 Ill. Adm. Code 417
- 3) Section Numbers: Proposed Action:
417.30 Amendment
417.35 New Section
417.100 New Section
- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch.8,
par. 9(b).
- 5) A Complete Description of the Subjects and Issues
Involved: These rules establish an alternate procedure
by which a license may conduct a Pick Six wagering pool.
- 6) Will this proposed rule replace an emergency rule
currently in effect? Yes.
- 7) Does this rulemaking contain an automatic repeal date?
Yes ☐ No ☒
- 8) Does this proposed rule (amendment, repealer) contain
incorporations by reference? No.
- 9) Are there any other proposed amendments pending this
Part? No.

10) Statement of Statewide Policy Objectives: No local
governmental units will be required to increase
expenditures as a result of this rulemaking.

11) Time, Place, and Manner in which interested persons may
comment on this proposed rulemaking: Any interested
person may submit written comments concerning this
rulemaking. All comments must be submitted in writing
and should be addressed to:

Michael B. McClure
Board Counsel
State of Illinois Center
Illinois Racing Board
Suite 11-100
Chicago, Illinois 60601
(312) 917-2600

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The Illinois Racing Board will consider all written
comment it receives within 30 days of the date of
publication of this notice.

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance
Office of the Department of Commerce and Community
Affairs: January 26, 1989
- B) Types of small businesses affected: No small
businesses are affected.
- C) Reporting, bookkeeping or other procedures required
for compliance: Not applicable.
- D) Types of professional skills necessary for
compliance: Not Applicable.

The full text of the Proposed Amendment(s) begins on the next
page:

NOTICE OF PROPOSED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE B: HORSE RACING

CHAPTER I: ILLINOIS RACING BOARD

SUBCHAPTER b: RULES APPLICABLE TO ORGANIZATION LICENSEES

PART 417

PICK SIX RULES

Section

- 417.10 Pick Six
- 417.20 Entries and Fields
- 417.30 Pool Calculations
- 417.35 Scratches
- 417.40 Dead Heats
- 417.50 Sale of Tickets
- 417.60 Name and Notice
- 417.70 Cancellation of Races
- 417.80 Limitation on Multiple Wagers Does Not Apply
- 417.90 Disclosure
- 417.100 Mandatory Distribution

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 (Ill. Rev. Stat. 1987, ch. 8, par. 37-9(b)).

SOURCE: Adopted at 4 Ill. Reg. 46, p. 1293, effective November 5, 1980; codified at 5 Ill. Reg. 10903; emergency amendments at 13 Ill. Reg. _____, effective _____.

Section 417.30 Pool Calculations

An organization may select either of the following formats for conducting The Pick Six pari-mutuel pools shall be calculated as follows:

a) Daily Payout

- 1) Major Pool: Seventy-five percent (75%) of the daily net amount in the pool shall be distributed equally to the holders of pari-mutuel tickets which correctly designate the most official winners of the Pick Six races.

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- 2) Minor Pool: Twenty-five percent (25%) of the daily net amount in the pool shall be distributed equally to the holders of pari-mutuel tickets which correctly designate the second greatest number of official winners of the Pick Six races.

b) Carryover Pool

- 1) The daily net pool plus any accumulated carryover pool, as defined in Section 417.30(b)(2), shall be distributed equally to holders of pari-mutuel tickets which correctly designate the six official winners of the Pick Six races.
- 2) If no tickets are sold which correctly designate all six official winners of the Pick Six races, seventy-five percent (75%) of the daily net pool shall be carried over and added to the next Pick Six pool. This process shall be repeated each day that no ticket is sold which correctly designates all six official winners.
- 3) If no tickets are sold which correctly designate all six official winners of the Pick Six races, twenty-five percent (25%) of the daily net pool shall be distributed equally to holders of pari-mutuel tickets which correctly designate the most official winners of Pick Six races.

e)

~~Consolation Pool: If a ticket designates as the selection to win in any one or more of the Pick Six races, a single wagering interest which is scratched or excused by the stewards or which is prevented from racing because of the failure of the stall doors of the starting gate to open or which is otherwise determined to be a non-starter in the race for which selected, the value of that ticket shall be withdrawn from the Major and Minor Pick Six pools. The total net value of all such withdrawn pools shall be distributed equally as of consolation among the holders of such withdrawn pick Six tickets which have a total of winnings and scratched selections, including at least one winner, to have qualified for at least the minor pool. However, if such ticket is entitled to participate in the Major or Minor~~

Pool outlined above, it will not be withdrawn from that pool. For example: if "75" = Major Pool and "25" = Minor Pool and "C" = consolation pool, and if some tickets holders have chosen 6 winners, the pools could be constituted as follows:

	0	1	2	3	4	5	Total # of Scratches
1					-C	-C	
2					-C	-C	
3						-C	-C
4					-C	-C	
5					25	25	
6					75		
Total of winners							

Comparable calculations can be drawn in fewer than six winners are selected.
(Source: Amended at 13 Ill. Reg. _____, effective _____.)

Section 417.35 Scratches

In the event of a scratch in any Pick Six race, the betting favorite in such race shall automatically be substituted on any Pick Six ticket which included the scratched horse. The betting favorite shall be defined as the starter with the most dollars wagered in the win pool. In the event of a tie, the betting favorite shall be defined as the starter with the most dollars wagered in the win pool and with the lowest post position number.

(Source: Added at 13 Ill. Reg. _____, effective _____.)

Section 417.100 Mandatory Distribution

- a) Each organization conducting a Pick Six pool shall distribute the accumulated carryover pool on the last scheduled race program of the race meeting unless the organization elects to carryover the Pick Six pool to a successive or intervening race meeting at the same racetrack. In no event shall a Pick Six pool be carried more than seven (7) calendar days without a race program being conducted. An organization's election to carryover a Pick Six pool to a successive or intervening race meeting shall be made on the first day the Pick Six is offered and shall be communicated to the Executive Director and advertised in the official program.

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- b) In the event of a mandatory distribution, the net Pick Six pool including any carryover pool shall be distributed equally to holders of pari-mutuel tickets which correctly designate the most official winners of the Pick Six races.
- c) The Executive Director shall have the power to order a mandatory distribution prior to the last racing day of the race meeting.

(Source: Added at 13 Ill. Reg. _____, effective _____.)

COMMISSIONER OF SAVINGS AND LOAN ASSOCIATIONS

NOTICE OF PROPOSED AMENDMENTS

1) Heading of Part: Illinois Savings and Loan Act of 1985

2) Code Citation: 38 Ill. Adm. Code 400

3) Section Numbers: Proposed Action:

400.110	Amend
400.120	Amend
400.130	Amend
400.140	Repeal
400.141	Amend
400.142	Amend
400.150	Amend
400.440	Amend
400.510	Amend
400.615	Amend
400.665	Amend
400.075	Repeal
400.710	Amend
400.1020	Amend
450.1030	Amend
400.1060	Amend
400.1110	Amend
400.1120	Amend
400.1140	Repeal
400.1530	Amend
400.1550	Amend
400.2010	Amend
400.2055	Add
400.2500	Amend
400.2510	Amend
400.2520	Amend
400.2700	Add
400.2710	Add

4) Statutory Authority: Illinois Savings and Loan Act of 1985 (Ill. Rev. Stat. 1987, ch. 17, par. 3307-3(b)(2) and (7))

5) A Complete Description of the Subjects and Issues Involved:

This rulemaking represents the culmination of a comprehensive review by the Agency incorporating comments received from the industry. Among the substantive changes is a proposed revision in the fee for Conversion to Federal Charter from \$1,000.00 to an amount equal to two year's Supervisory Fee.

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The proposed revision is the result of P.A. 85-128 effective July 30, 1987 that shifted the operating and contingent expenses of the Agency from the General Revenue Fund to a dedicated fund financed solely from fees assessed against the entities regulated by the Agency. An adequate fund balance is necessary for the Agency to perform its statutory responsibilities of examination and supervision of State-chartered thrifts assuring their continued financial stability, fostering and promoting stable growth, and protecting depositors' funds.

The Agency's annual expenses and revenues can be forecasted with a high degree of certainty based on thrift financial data and thrift examination and supervision reports. When a State-chartered thrift completes conversion to a federal, fees cease abruptly but expenses do not because of the time necessary to phase-in cost saving measures. In order to permit an orderly transition when a conversion occurs, this proposed fee is necessary to minimize the burden of expenses being spread over a smaller base, and to prevent the degradation of quality regulation of thrifts remaining in the State-chartered system.

This proposed revision, along with the provision where the Commissioner may waive the fee under certain situations, presents a reasonable and rationale resolution to a situation directly attributable to individual entities operating under the Savings and Loan Act of 1985.

Another proposed change can be found as a new Section to the Holding Company Subpart. The mutual holding company provisions of the Illinois Savings and Loan Act are designed to provide a conservative method of enhancing capital and creating a holding company structure for mutual savings and loans. It will, however, be used primarily by well reserved savings and loans, consequently there is some concern that holding company management may be tempted to strip the savings and loan of its more valuable assets and then allow the savings and loan's net worth to erode below required regulatory standards. This proposed new Section to the holding company Subpart regulation gives the Commissioner the tools to prevent such an occurrence by requiring that net worth levels are established and maintained through a contractual agreement. This agreement is similar to ones used by the Federal Home Loan Bank System for acquirers of insured savings and loans.

6) Will this proposed rule replace an emergency rule currently in effect?

No.

7) Does this rulemaking contain an automatic repeal date? No.

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8) Does this proposed amendment contain incorporations by reference? No.

9) Are there any proposed amendments pending on this Part? No.

10) Statement of Statewide Policy Objection: Not Applicable.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Any person who plans to submit comments should file a Notice of Intent thereof, within twenty-one (21) days of the date of this issue of the Illinois Register to:

Joseph R. Kirincich, Legislative Liaison
Office of the Commissioner of Savings and Loan Associations
500 East Monroe/Suite 800
Springfield, IL 62701-1509

Comments should be filed with forty-five (45) days of the date of this issue of the Illinois Register.

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

February 2, 1989

B) Types of Small Business affected:

Small businesses are not affected by this rulemaking.

C) Reporting, bookkeeping or other procedures required for compliance:

Small businesses are not affected by this rulemaking.

D) Types of professional skills necessary for compliance:

Small businesses are not affected by this rulemaking.

The full text of the Proposed Amendments begins on the next page:

ILLINOIS REGISTER

COMMISSIONER OF SAVINGS AND LOAN ASSOCIATIONS

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TITLE 38: FINANCIAL INSTITUTIONS
CHAPTER III: COMMISSIONER OF SAVINGS AND LOAN ASSOCIATIONS

PART 400
ILLINOIS SAVINGS AND LOAN ACT OF 1985

SUBPART A: FEES

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400.110	Filings
400.120	Conditions
400.130	Examination Fees
400.140	Annual Supervisory Fees (Repealed)
400.141	Supervisory Fees
400.142	Adjusted Supervisory Fees
400.143	Special Assessment (Emergency Expired)
400.150	Manner of Payment

SUBPART B: DEFINITIONS

400.205	Introduction
400.210	Association
400.220	Commissioner
400.230	Single Family Dwelling
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400.250	Mobile Home
400.260	Mobile Home Chattel Paper
400.270	Person
400.280	Proposed Borrower
400.290	Redlining

SUBPART C: REPORTS

Section	
400.310	Contracts (Repealed)

SUBPART D: OPERATIONS

Section	
400.410	Permanent Reserve Shares
400.420	Dividend Advertising
400.430	Maintenance of Records
400.440	Business Plan

SUBPART E: APPRAISALS

Section	
400.510	Appraisals

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400.1630	Authority of Hearing Officers
400.1640	Bias or Disqualification of Hearing Officer
400.1650	Prehearing Conferences
400.1660	Discovery
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400.1680	Conduct of the Hearing
400.1690	Default
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SUBPART N: SAVINGS AND LOAN HOLDING COMPANIES

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400.1800	Applicability
400.1810	Plain Meaning/Strict Interpretation
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400.1910	Assets
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400.1940	Eligibility Record Date
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400.2030	Stock Sales

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Section	
400.2040	Stock of a Subsidiary of a Mutual Holding Company
400.2050	Stock Subsidiary Formation
400.2055	Net Worth Maintenance Agreement
400.2060	Members' Rights
400.2070	Investment
400.2105	Notice Requirement/Corrective Action
400.2110	Insider Abuses
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400.2300	Disposal of a Subsidiary
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400.2500	Savings & Loan Holding Company Filing Fees
400.2510	Savings and Loan Holding Company Supervisory Fees
400.2520	Examination Fees
400.2530	Conditions
400.2540	Manner of Payment
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SUBPART O: SAVINGS AND LOAN ADVISORY BOARD

Section	
400.2700	Purpose
400.2710	Composition, Appointment

AUTHORITY: Implementing and authorized by Section 7-3(b)(2) of the Illinois Savings and Loan Act of 1985 (Ill. Rev. Stat. 1987, ch. 17, par. 3307-3(b)(2)) and Section 5 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1987, ch. 127, par. 1005).

SOURCE: Filed and effective January 18, 1974; amended at 2 Ill. Reg. 44, p. 179, effective October 30, 1978; emergency amendment at 2 Ill. Reg. 45, p. 169, effective November 1, 1978 for a maximum of 150 days; amended at 3 Ill. Reg. 5, p. 883, effective January 29, 1979; amended at 3 Ill. Reg. 11, p. 163, effective March 12, 1979; amended at 3 Ill. Reg. 39, p. 230, effective September 17, 1979; emergency amendment at 3 Ill. Reg. 39, p. 230, effective September 17, 1979 for a maximum of 150 days; emergency amendment at 4 Ill. Reg. 8, p. 207, effective February 14, 1980 for a maximum of 150 days; amended at 4 Ill. Reg. 30, p. 1241, effective July 14, 1980; emergency amendment at 5 Ill. Reg. 2524, effective February 19, 1981 for a maximum of

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- e) ~~State-of-a-Branch-Office~~
(~~Section 400.120(a) of this Part~~)-----\$---500.00
if---the---transaction---involves---the---sale---of---more---than
five---branches---offices---the---minimum---fee---shall---be
\$3,500.00
- f) ~~Termination-of-Operation-and-Closing-of-a-Branch-Office~~
(~~Section 400.120(b) of this Part~~)-----\$---500.00
- fb) Conversion to Federal Charter
(Article 6, Section 6-12 of the Act).....\$-1,000.00Two times the
last annual Supervisory Fee assessed against the Association as
set forth in Section 400.141 of this Part.
- gc) Merger
(Article 6, Section 6-5 of the Act)\$ 1,000.00
- hd) Bulk Sale of Assets
(Article 6, Section 6-11 of the Act)\$ 1,000.00
- je) Amendment to Articles of Incorporation providing
for the issuance of Permanent Reserve Shares
(Article 4, Section 4-4 of the Act)
(Section 400.410 of this Part)\$1,500.001,000.00
- kt) ~~Approval-of-Servicer-Corporation~~
(~~Section 400.1010 of this Part~~)-----\$---200.00
- lf) Appeals to the Savings and Loan Board
(Article 7, Section 7-23 of the Act)
(Article 7, Section 7-24 of the Act)
(Article 7, Section 7-26 of the Act)\$ 500.00
Each additional party to an appeal to the Savings and
Loan Board shall pay the sum of \$100.00 and shall bear
its pro rata share of all expenses incurred in said
appeal except as otherwise provided in the Act.
- mg) Hearing or Oral Argument -- each applicant requesting
a hearing or oral argument and/or each objector
requesting a hearing of oral argument and/or each
adversary participating in a hearing argument
(Article 7, Section 7-27 of the Act)
(Section 400.1170 of this Part)
(Section 400.1510 of this Part)\$ 500.00

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150 days; amended at 5 Ill. Reg. 7124, effective June 24, 1981; amended at 5 Ill. Reg. 7125, effective June 24, 1981; amended at 5 Ill. Reg. 11377, effective October 14, 1981; amended at 6 Ill. Reg. 3175, effective March 4, 1982; amended at 6 Ill. Reg. 4218, effective April 6, 1982; amended at 6 Ill. Reg. 4219, effective April 6, 1982; amended at 6 Ill. Reg. 4227, effective April 6, 1982; amended at 6 Ill. Reg. 7141 effective June 1, 1982; amended at 7 Ill. Reg. 1993, effective January 28, 1983; codified at 7 Ill. Reg. 13669; amended at 8 Ill. Reg. 8630, effective June 1, 1984; amended at 8 Ill. Reg. 15066, effective August 7, 1984; emergency amendment at 9 Ill. Reg. 17437, effective October 24, 1985, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 4946, effective March 11, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 14290, effective August 20, 1986; amended at 10 Ill. Reg. 19781, effective November 6, 1986; amended at 11 Ill. Reg. 20648, effective December 2, 1987; emergency amendments at 11 Ill. Reg. 20672, effective December 3, 1987, for a maximum of 150 days; emergency amendments at 12 Ill. Reg. 8106, effective April 20, 1988, for a maximum of 150 days, expired at September 17, 1988; amended at 12 Ill. Reg. 15165, effective September 13, 1988; amended at 11 Ill. Reg. _____, effective _____.

SUBPART A: FEES

Section 400.110 Filings

Filings pertaining to matters named hereafter shall be subject to the indicated fee. Such fee or fees shall be paid at the Commissioner's office at the time of filing. Payment shall be by check, draft or money order made payable to the Commissioner of Savings and Loan Associations.

- a) Permit to Organize
(Article 2 of the Act).....\$1,500.001,000.00
- b) Approval-of-lease
Article-51-Section-5-9-of-the-Act)-----\$---500.00
- e) Change-of-Location-of-Home-Office-without
establishment-of-a-branch-office-at-the-existing-home
office-site
(Article-31-Section-3-4(j)-of-the-Act)
(Section 400.1110(e)-of-this-Part)
(Section 400.1110(d)-of-this-Part)-----\$---750.00
- d) Establishment-of-a-Branch-Office-other-than-by-a-Change
of-Location-or-any-acquisition-pursuant-to-Section
400.1180-of-this-Part
Section-400.1110(e)-of-this-Part)-----\$---750.00

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Each applicant requesting a hearing or oral argument and/or each objector requesting a hearing or oral argument and/or each adversary participating in a hearing or oral argument shall bear its pro rata share of all expenses incurred in said proceedings.

h) Application for Subsidiary Acquisition Fee (Article 1A-5 of the Act)\$ 250.00

i) Photocopy and duplication Fees

1) Photocopies (Per Page).....\$.25
2) Savings and Loan Act	\$ 25.00
3) Rules and Regulations	\$ 25.00
4) Annual Report	\$ 25.00
5) Mailing Labels	\$ 35.00

(Source: Amended at Ill. Reg. _____, effective _____)

Section 400.120 Conditions

- No submission subject to a fee shall be considered complete without the stipulated fee.
- The fee shall be non-refundable regardless of the subsequent action with respect to the submission.
- The Commissioner may waive the payment of the applicable fee otherwise required by Sections 400.110 and 400.120 when

1) The Commissioner determines that the respective Merger or Bulk Sale of Assets or Conversion to Federal Charter avoids the need for the Commissioner to take custody of the respective association pursuant to the provisions of Article 7, Section 7-11 of the Act; or

2) The establishment of a Branch Office is at the location of the home office of the association which ceases to exist as the result of a Merger or Bulk Sale of Assets which avoids the need for the Commissioner to take custody of the respective association pursuant to the provisions of Article 7, Section 7-11 of the Act; or

3) The Termination of Operation and Closing of a Branch Office pertains to a branch office of an association which ceases to exist as the result of a Merger or Bulk Sale of Assets which avoids the need for the Commissioner to take custody of the respective association pursuant to the provisions of Article 7, Section 7-11 of the Act and the closing of the respective branch office is a condition stipulated in the plan of the respective merger or bulk sale of assets.

4) The Commissioner determines that the respective conversion to federal charter avoids the need for the Commissioner to take custody of the respective association pursuant to the provisions of Article 7, Section 7-8 of the Act.

Source: Amended at Ill. Reg. _____, effective _____)

Section 400.130 Examination Fees

a) Time expended in the conduct of any examination of the affairs of any association or service corporation pursuant to the provisions of Section 7-5(a) of the Illinois Savings and Loan Act of 1985 (Ill. Rev. Stat. 1985, ch. 17, par. 3307-5(a)) or applicable service corporation undertakings, respectively, shall be billed by the Commissioner at a rate of \$27 per examiner-hour-until-July-1-1987, when such rate shall increase to \$29 per examiner hour. Such fee shall be billed within 45 days following completion of the respective examination.

b) When out-of-state travel occurs in the conduct of any examination the association or service corporation will be billed for expenses incurred in the performance of duties. Billings for such expenses shall not exceed amounts authorized pursuant to the travel regulations of the Department of General Management Services/Governor's Travel Board set forth at 80 Ill. Adm. Code 2000. In the situation where examination procedures are performed at out-of-state locations, the examination fee of \$29.00 per hour plus travel, lodging and per diem shall be assessed. Additionally, travel time shall be billed at the examination rate of \$29.00 per hour.

(Source: Amended at Ill. Reg. _____, effective _____)

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Section 400.141 Supervisory Fees

Section 400.140 Annual Supervisory Fees (Repealed)

a) The Commissioner shall receive and there shall be paid to the Commissioner by each association and each service corporation operating under the provisions of the Illinois Savings and Loan Act of 1985, a fixed fee of \$450, plus a variable fee based on the total assets of each association and each service corporation as shown on the financial report filed with the Commissioner for the reporting period of the prior calendar year ended December 31 according to the following schedule: 22.5¢ per \$1,000 of the first \$2,000,000 of total assets, 20.25¢ per \$1,000 of the next \$3,000,000 of total assets, 18.0¢ per \$1,000 of the next \$5,000,000 of total assets, 15.75¢ per \$1,000 of the next \$15,000,000 of total assets, 13.5¢ per \$1,000 of the next \$25,000,000 of total assets, 11.25¢ per \$1,000 of the next \$50,000,000 of total assets, 9.0¢ per \$1,000 of the next \$100,000,000 of total assets, 6.75¢ per \$1,000 of the next \$500,000,000 of total assets, and 4.5¢ per \$1,000 of all total assets in excess of \$1,000,000,000 of such association or service corporation. In the situation where service corporations and/or finance subsidiaries are owned by the Association, the owned assets may be consolidated with the assets of the Association for calculation of this fee. If the finance subsidiary is not active and is in the form of a Collateralized Mortgage Obligation or a similar vehicle, the Commissioner may waive that portion of the fee attributed to the finance subsidiary.

b) The Commissioner shall receive and there shall be paid to the Commissioner by each association a fee of \$450 for each approved branch office or facility office established under the provisions of Subpart J of this Part. The determination of such fees shall be made annually as of the close of business of the prior calendar year ended December 31.

c) One fourth of the sum of the supervisory fee so determined shall be remitted at the time of each calendar quarter end. A calendar quarter end shall mean March 31, June 30, September 30 and December 31. Such fees shall be for the respective current year.

d) Supervisory fees shall be determined by the Commissioner within 90 days following the close of the respective calendar year; however, the dates of billings shall not prejudice the validity of an invoice for any such fees billed at a later date.

a) Each association and each service corporation operating under the provisions of the Illinois Savings and Loan Act of 1985, (Ill. Rev. Stat., Ch. 110, par. 3001.1 et seq.) as of the close of the calendar year 1987 shall pay to the Commissioner a fee of \$150 plus 7.5¢ per \$1,000 of the first \$2,000,000 of total assets, 6.75¢ per \$1,000 of the next \$3,000,000 of total assets, 5.25¢ per \$1,000 of the next \$5,000,000 of total assets, 4.5¢ per \$1,000 of the next \$10,000,000 of total assets, 3.75¢ per \$1,000 of the next \$50,000,000 of total assets, 3.0¢ per \$1,000 of the next \$100,000,000 of total assets, 2.25¢ per \$1,000 of the next \$500,000,000 of total assets, and 1.5¢ per \$1,000 of all total assets in excess of \$1,000,000,000 of such association or service corporation. Such fee shall be based on the total assets of each association and each service corporation as shown by its financial report filed with the Commissioner for the reporting period ended December 31, 1987. Such fees shall be for the calendar year then ended, except in the case of an association which converts to Federal charter prior to the end of the calendar year, such fee(s) shall be based on the total assets of the association and its service corporations as of the month-end preceding the date of conversion and shall be pro-rated for the portion of the calendar year which the association operated under the provisions of the Illinois Savings and Loan Act of 1985. Computations shall omit hundreds from the total assets and the fee shall be rounded to the nearest dollar amount.

b) An association shall pay to the Commissioner a fee of \$150 for each approved branch office or facility office established under the provisions of Subpart J of this Part. The determination of such fees shall be made as of the close of business December 31, 1987, and shall be for the calendar year then ended.

c) Annual supervisory fees shall be billed by the Commissioner within 90 days following the close of the respective calendar year; however, the date of billing shall not prejudice the validity of an invoice for any such fee or fees billed at a later date.

(Source: Repealed at Ill. Reg. _____, effective _____)

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SUBPART D: OPERATIONS

e) In the event the state charter is converted or otherwise surrendered during the course of the year, the Commissioner shall determine the supervisory fee based on the total assets of the Association as of the month-end immediately preceding the cancellation of the state charter, except that the measurement date may be another date at the discretion of the Commissioner in the event an Association elects to liquidate.

(Source: Amended at Ill. Reg. , effective)

Section 400.142 Adjusted Supervisory Fees

a) The Commissioner shall receive and there shall be paid to the Commissioner an additional fee as an adjustment to the supervisory fee specified in Section 400.141 of this Subpart, to be based upon the difference between the total assets of each association and each service corporation as shown by its financial report filed with the Commissioner for the reporting period of the calendar year ended December 31 on which the supervisory fee was based, and the total assets of each association and each service corporation as shown by its financial report filed with the Commissioner for the reporting period of the calendar year ended December 31 in which the quarterly payments referred to in Section 400.141 of this Subpart are made according to the following schedule: 22.5¢ per \$1,000 of the first \$2,000,000 of total assets, 20.25¢ per \$1,000 of the next \$3,000,000 of total assets, 18.0¢ per \$1,000 of the next \$5,000,000 of total assets, 15.75¢ per \$1,000 of the next \$15,000,000 of total assets, 13.5¢ per \$1,000 of the next \$25,000,000 of total assets, 11.25¢ per \$1,000 of the next \$50,000,000 of total assets, 9.0¢ per \$1,000 of the next \$400,000,000 of total assets, 6.75¢ per \$1,000 of the next \$500,000,000 of total assets, and 4.5¢ per \$1,000 of all total assets in excess of \$1,000,000,000 of such association or service corporation. In the situation where service corporations and/or finance subsidiaries are owned by the Association, the owned assets may be consolidated with the assets of the Association for calculation of this fee. If the finance subsidiary is not active and is in the form of a Collateralized Mortgage Obligation or a similar vehicle, the Commissioner may waive that portion of the fee attributed to the finance subsidiary.

(Source: Amended at Ill. Reg. , effective)

Section 400.440 Business Plan

a) ~~Each~~At the discretion of the Commissioner, an association shall develop a ~~three-~~to five-year business plan and have the same available for review by the examiners. Each such plan shall contain the following:

- 1) Introduction;
- 2) Mission statement;
- 3) Corporate objectives;
- 4) Corporate strategies; and
- 5) Financial projections for the period of time covered by the business plan.

b) The association's business plan shall be reviewed to determine its continued viability in accordance with current economic conditions and approved or revised, as determined by the board of directors, at least annually.

(Source: Amended at Ill. Reg. , effective)

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SUBPART E: APPRAISALS

Section 400.510 Appraisals

a) An association shall not make a loan on the security of real estate nor purchase an installment contract for the sale of real estate, unless such loan or contract purchase is based upon an appraisal made for and at the direction of the association. The association's board of directors shall designate either a qualified fee appraiser or the association's appraisal committee to make such appraisal. Loans guaranteed or insured wholly or in part by the United States or any of its instrumentalities shall be appraised in a manner prescribed by the guarantor or the insurer.

b) For every appraisal that is made, there shall be attached to such appraisal a copy of a letter of direction from the association to the appraiser establishing general specifications of data to be included in the appraisal or directions indicating that certain specific, professional standards are to be adhered to and a letter of transmittal directed to the association.

c) Every appraisal shall be prepared in a manner consistent with generally accepted appraisal practices established by the American Institute of Real Estate Appraisers or the Society of Real Estate Appraisers. ~~These shall be attached to each appraisal at the time of the appraisal of the property to be appraised and one of a street side view, one of a rear and opposite side view, and one of a street scene including the subject and its environment. The appraisal shall be kept on file at the association. A copy of the appraisal and a copy of the photograph shall be furnished to the Commissioner upon request.~~

d) Before relying upon an appraisal by a qualified fee appraiser, the association shall require the appraiser to file with the association completed form as prescribed by the Commissioner. Such form shall indicate the experience and qualifications of the appraiser.

e) An association shall not rely upon an appraisal made by a qualified fee appraiser, unless the appraiser has had at least five (5) years of actual appraisal experience and the association has complied with paragraph (d) of this Section.

f) Each examination of an association shall include a review of each appraiser's qualifications. Any adverse findings shall be made known to the association and the appraiser. The Commissioner may object to any appraiser when:

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1) The Commissioner has verified independent data which raised a question as to the veracity of the appraiser's stated qualifications; or

2) A review of the appraiser's workproduct indicates a pattern of disregard for generally accepted appraisal practices either in form or substance.

g) No association shall knowingly utilize the services of an appraiser who has been declared by the Commissioner to be unqualified to make appraisals for an Illinois-chartered savings and loan association.

h) The Commissioner may order an appraisal of real estate when:

1) The association has relied upon an appraisal which is at variance with the requirements of this Subpart; or

2) The association has failed to obtain an appraisal in accordance with this Subpart.

i) Such appraisal shall be made by an appraiser selected by the association from candidates furnished by the Commissioner. The Commissioner will also furnish to the association the scope of the appraisal assignment applicable to the property to be appraised. Such appraisal shall be made at the expense of the association and paid when due.

(Source: Amended at ___ at Ill. Reg. ___, effective ____)

SUBPART F: INVESTMENTS

Section 400.615 Investment Underwriting Practices

a) An association may grant a loan or invest in another authorized asset under either the provisions of the Illinois Savings and Loan Act (Ill. Rev. Stat. 1983, ch. 17, pars. 3006 and 3121 through 3136 as amended), or under the provisions of Federal Regulations (12 CFR 545, February 29, 1984 (No incorporation by reference in this Part, other than Ill. Rev. Stat. includes any later amendment or editions.)), or under the provisions of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464, February 29, 1984).

For all types of secured and unsecured loans granted, an association's board of directors shall establish, at least annually, written loan underwriting policies and procedures which shall set forth criteria sufficient to allow a decision to be made in conformity with Section 400.610 (a) of this Subpart.

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2) The documentation for each loan shall identify the specific statutory and/or regulatory provision under which the respective loan is approved.

3) If a loan is authorized under more than one of the authorities listed in paragraph (a) of this Section, such loan may be apportioned among appropriate categories and may be moved, in whole or in part, from one category to another as provided by 12 CFR 545.31 as of February 29, 1984.

b) The written policies and procedures pertaining to loans secured by collateral other than real estate, mobile home chattel paper, or the cash surrender value of a life insurance policy shall provide specific procedures for determining the value of the respective collateral. The specified procedures shall provide that every such appraisal be prepared in a manner consistent with generally accepted appraisal practices as established by the American Society of Appraisers, in the Professional Appraisal Services Directory, and in effect as of June 30, 1984.

c) The written policies and procedures of an association engaging in secured lending which finances a dealer's acquisition of merchandise comprising the association's security shall provide for a periodic written inventory of the respective security no less often than every 30 days. Such written inventory shall be compiled by a person authorized by the board of directors and it shall set forth identifying characteristics and serial number or other indelible identifying marks of each item comprising the respective security.

(Source: Amended at Ill. Reg. _____, effective _____)

Section 400.665 Other Loans

a) An association may invest in loans of a type authorized by Ill. Rev. Stat. 1983, ch. 17, par. 3121(c) as amended (home repair/improvement), without limitation as to percentage of assets. Loans granted pursuant to Ill. Rev. Stat. 1983, ch. 17, par. 3133 as amended (secured loans), shall not exceed 3% of the associations assets.

b) Pursuant to Ill. Rev. Stat. 1983, ch. 17, pars. 3006(c) and 3135 as amended, an association may invest in non real estate loans to the extent authorized for Federal associations under the provisions of 12 CFR 545 as of February 29, 1984, and the Home Owners' Loan Act of 1933 as amended.

(Source: Amended at Ill. Reg. _____, effective _____)

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Section 400.675 Investment Parity (Repealed)

Any investment made pursuant to the authority of Ill. Rev. Stat. 1983, ch. 17, pars. 3006(c) and 3135 as amended, shall comply with all limitations applicable to Federal associations under 12 CFR 545 as of February 29, 1984, and the Home Owners' Loan Act of 1933 as amended.

(Source: Repealed at Ill. Reg. _____, effective _____)

Section 400.710 Reverse Mortgage Loans

a) For purposes of this Section:

1) "Reverse mortgage loan" means a loan secured by the existing equity in homestead property, the proceeds of which are used for the purpose of making home improvements or repairs, or paying insurance premiums or real estate taxes on the homestead property.

2) "Homestead property" means the domicile and contiguous real estate owned and occupied by the mortgagor.

b) No reverse mortgage loan shall be granted in an amount which exceeds the existing equity in the security homestead property.

c) At the minimum, pertinent documentation should support the value determined (market value), the equity owned by the borrower, and the ability and desire to repay the loan in accordance with the terms.

(Source: Amended at Ill. Reg. _____, effective _____)

SUBPART I: SERVICE CORPORATION

Section 400.1020 Approval by the Commissioner

a) Except as provided in Subsection (b), an application for approval of a service corporation shall be approved by the Commissioner provided that:

1) Its purpose or purposes are reasonably incident to the accomplishment of the express powers conferred upon associations by the Act, or are purposes granted or allowed to service corporations organized or owned by Federal associations; or its sole purpose is to operate as a finance subsidiary of an association to the extent authorized for finance subsidiaries of Federal associations under the provisions of 12 CFR 545.82 as of September 1, 1985; and

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2) The application for approval of a service corporation ~~is~~ includes: ~~as amended by~~ the appropriate fee; a copy of the service corporation's Articles of Incorporation; ~~the list of proposed shareholder(s); the fiscal year-end date; and an undertaking by the service corporation~~ ~~including these with the continuing conditions specified in~~ Section 400.1020(c) ~~executed~~ and in ~~such~~ a form ~~as~~ prescribed by the Commissioner.

b) An application for approval of a service corporation shall be denied by the Commissioner in writing if the Commissioner finds that any proposed shareholder is conducting business in an unsafe manner as defined in Section 400.240.

c) Continuing conditions:

1) A service corporation shall not amend its Articles of Incorporation nor adopt an assumed corporate name without the prior written approval of the Commissioner. A proposed amendment to Articles of Incorporation not involving a name change shall be approved unless it is in non-compliance with Section 400.1020(a)(1). A proposed name change shall be approved unless such proposed name is either deceptively similar to that of a savings and loan association as specified in Section 2-4(e) of the Act or of a nature which might imply that the entity is a savings and loan association.

2) Each service corporation shall cause its affairs to be audited by a licensed public accountant at least once each fiscal year, and cause said accountant to deliver a copy of said certified statement to the Commissioner simultaneously with the delivery of the statement to the service corporation;

3) Each service corporation shall be examined in conjunction with the examination of its parent association(s). The Commissioner shall require additional reports and/or examinations if the Commissioner, or his staff members engaged in examination of the association's monthly report, determine that more information is needed to determine the viability of the service corporation; and

4) A service corporation shall not acquire any ~~scheduled~~ classified item(s) from any association except that a service corporation may acquire real estate owned by any association. The term ~~scheduled~~ classified items has the following meaning:

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~~prescribed in 12-CFR-561.15-9-ef-March 31, 1986~~ Any asset which, under established review and classification guidelines, receives an adverse classification of substandard, doubtful, or loss. An asset receiving special mention designation may also be covered by this meaning if, in the Commissioner's opinion, the asset is not likely to be returned to normal, earning status within a reasonable length of time.

(Source: Amended at Ill. Reg. _____, effective _____)

Section 400.1030 Lending Limitations

a) An association may ~~make investments~~ make investments in capital stock of service corporations in an amount which shall not exceed five percent (5%) of the association's total assets. An association that has met and maintained the ~~net-worth~~ regulatory capital level(s) required for a savings and loan association, the withdrawable capital of which is insured by the Federal Savings and Loan Insurance Corporation, may invest an additional fifty percent (50%) of the excess ~~net-worth~~ regulatory capital provided that in no event, shall an association's ~~maximum~~ investment in service corporations exceed ten percent (10%) of its total assets.

b) All loans to service corporations shall be subject to all lending limitations contained in the Illinois Savings and Loan Act and this Part.

(Source: Amended at Ill. Reg. _____, effective _____)

Section 400.1060 Prohibited Transactions

a) Except as provided in this Section, service corporations shall not enter into any contract (except an employment contract), nor grant any loan, directly or indirectly, to any officer, director, individual stockholder or employee of the service corporation or of its parent association(s) except upon real estate occupied as a homestead or on the security of a personal automobile. A service corporation may enter into a contract for the sale of real estate to be occupied by any of the foregoing persons as their bona fide homestead.

b) A service corporation may enter into a contract to purchase an insurance agency or brokerage in which any of the foregoing persons have an interest.

(Source: Amended at Ill. Reg. _____, effective _____)

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SUBPART J: RELOCATIONS AND BRANCHING

Section 400.1110 General

a) An association with facility offices existing or approved under previous regulations of this office and prior to the effective date of this regulation may advertise or refer to such offices as branches without amending its bylaws. A branch office of an association is any office other than its home office, drive-in facility, pedestrian facility, agency office, or a remote service unit.

b) Any business of an association may be transacted at a branch office, except that those products requiring extraordinary resources may reasonably be offered only at those locations capable of supporting them. Care should be exercised to ensure that the availability of the products is communicated to potential customers in such a manner as to avoid any appearance of preferential treatment toward a particular group or class of customers.

c) An association shall not establish a branch office nor change the location of its home office unless its respective application has been approved by the Commissioner. An application shall be approved only if the Commissioner finds that

- 1) The office can be established at the proposed location without undue injury to properly conducted existing associations;
- 2) The policies and financial condition of the applicant are not a basis for supervisory objection; and
- 3) The proposed office will open within twelve months of approval unless occupancy is delayed by circumstances beyond the control of the applicant and, consequently, additional time is allowed by the Commissioner.

d) An association proposing a change of location of its home office or branch office may request a waiver of the otherwise applicable requirements of this Subpart. The request will be approved only if

- 1) The Commissioner is able to make the same findings as those required at paragraph (c) of this Section;
- 2) The applicant demonstrates that the area to be served from the proposed location is essentially the same as that served from the present location;

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3) The applicant gives the reason(s) for the change of location; and

4) The applicant submits the appropriate fee required by Section 400.110 (c) of this Part, along with a request which sets forth information sufficient to allow the making of all determinations required by paragraph (d) of this Section.

e) If requested by the applicant, the Commissioner shall approve a temporary location of a home office or a branch office if the temporary location is

1) In the immediate vicinity of the approved permanent location; and

2) Not more competitive to any other properly conducted existing association than the approved permanent location.

(Source: Amended at Ill. Reg. _____, effective _____)

Section 400.1120 Application

a) An association may apply for a branch office or for a change of location of its home office provided that the applicant obtains the prescribed form of application and form of notice and related instructions from the Commissioner unless waived pursuant to Section 400.1110(d).

b) An application is considered complete and a priority filing date is established when the Commissioner determines that all required information has been submitted on the prescribed form along with the appropriate filing fee required by Section 400.110(c) or (d) of this Part.

c) Changes to all but material information of the application may be made up to the time the approval/denial is determined.

1) For purposes of this section material information is defined as but is not limited to:

- A) Association name;
- B) Association address;
- C) Nature and purpose of application; and

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- D) Any other information which if changed, would likely cause the approval or denial decision to be reversed.

(Source: Amended at Ill. Reg. _____, effective _____)

Section 400.1140 Amendment of Application (Repealed)

~~An applicant may not amend an application or file additional supporting information after the notice is published or given as provided by Section 400.1150(a) of this Subpart.~~

(Source: Repealed at Ill. Reg. _____, effective _____)

SUBPART M: ADMINISTRATIVE HEARING PROCEDURES

Section 400.1530 Filing

Documents and requests permitted or required to be filed with the agency in connection with a hearing shall be addressed to and mailed to or filed with the Office of the Commissioner of Savings and Loan Associations, 500 East Monroe, Suite 800, Springfield, Illinois 62701-1509 or 205 West Randolph, Suite 1900, Chicago, Illinois 60606-1811, in triplicate. The office of the agency is open for filing and inspection and copying of public documents from 8:30 a.m. to 5:00 p.m., Monday through Friday, except on National and State legal holidays.

(Source: Amended at Ill. Reg. _____, effective _____)

Section 400.1550 Computation of Time

Computation of any period of time prescribed by this regulation shall begin with the first business day following the date of filing of the documentation with the agency pursuant to Section 400.1530 of this Subpart, and shall run until the end of the last day, or the next following business day if the last day is a Saturday, Sunday or legal national or state holiday. Where the period of time is five (5) days or less, Saturdays, Sundays and legal national or state holidays shall be excluded in the computation of time. Notice requirements shall be construed to mean notice received, but proof that notice was dispatched by means reasonably calculated to be received by the prescribed date shall be prima facie proof that notice was timely received.

(Source: Amended at Ill. Reg. _____, effective _____)

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SUBPART N: SAVINGS AND LOAN HOLDING COMPANIES

Section 400.2010 Mutual Holding Company Ceasing to be a Depository Institution

- a) Each mutual savings and loan association which converts to holding company status in conjunction with the chartering of a stock subsidiary shall be issued a "restated or amended charter" as a mutual thrift holding company by the Commissioner and the directors shall either return the original charter, insurance undertakings and certificate of insurance to the issuing authority, or shall transfer these to the subsidiary stock savings and loan association as evidence of ceasing to be an insured depository institution. These items may be transferred to the stock subsidiary with permission of the Commissioner. Such permission shall be given upon successful completion of an examination to assure conformance with regulatory and statutory requirements.

- b) Upon the issuance of the charter as a mutual thrift by the Commissioner, a mutual holding company shall cease to be a savings and loan association, thrift, savings bank, or depository institution of any type.

(Source: Amended at Ill. Reg. _____, effective _____)

Section 400.2055 Net Worth Maintenance Agreement

- a) The Commissioner shall require each mutual holding company to execute a "Net Worth Maintenance Agreement" for each subsidiary depository institution it acquires. Under this agreement the holding company shall contractually agree to infuse equity capital as needed to keep net worth or regulatory capital at a predetermined level for each subsidiary depository institution.

The Agreement shall:

- 1) Be for a specified term, in an amount to be set by the Commissioner;
- 2) Explicitly consent to the Commissioner's authority to require infusion of additional equity capital when he determines the institution fails to meet its regulatory capital or net worth requirements;
- 3) Explicitly give the Commissioner the right to vote and dispose of the stock of any subsidiary institutions whose net worth or

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(Although conversion may occur, if a State-chartered association is held, the Holding Company will still have to be licensed by the Office of the Commissioner of Savings and Loans.)

- c) Appeals to the Savings and Loan Board (Article 7, Section 7-20 of the Act) (Article 7, Section 7-21 of the Act) (Article 7, Section 7-23 of the Act) \$ 500.00

Each additional party to an appeal to the Savings and Loan Board shall pay the sum of \$100.00, and shall bear its pro rata share of all expenses incurred in said appeal except as otherwise provided in Section 3307-25 of the Act.

- d) Hearing or Oral Argument - each applicant requesting a hearing or oral argument and/or each objector requesting a hearing or oral argument and/or each adversary participating in a hearing or oral argument. (Article 7, Section 7-24 of the Act) \$ 500.00

Each applicant requesting a hearing or oral argument and/or each objector requesting a hearing or oral argument and/or each adversary participating in a hearing or oral argument shall bear its pro rata share of all expenses incurred in said proceedings.

- e) Application for Subsidiary Acquisition Fee, Illinois Savings and Loan Holding Company. (Article 1A-5 of the Act) \$ 250.00

(Source: Amended at Ill. Reg. _____, effective _____)

Section 400.2510 Savings and Loan Holding Company Supervisory Fees

- a) Each savings and loan holding company ("SLHC") cooperating under the provisions of the Act as of the close of each calendar year shall pay annually to the Commissioner a fee of \$5.00 per million dollars of consolidated assets (excluding the assets of any Illinois State-chartered savings and loan association or savings bank) of the SLHC and its subsidiaries. Such fee shall be based on the total assets of each SLHC and each subsidiary as shown by its financial report filed with the Commissioner for the reporting

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regulatory capital is not restored within five (5) business days of the Commissioner's determination of the need for additional capital; and

- 4) Establish procedures to effectuate No. 3) supra.

- b) The Commissioner's right to vote stock shall include all shareholder matters, including the right to remove and replace the Board of Directors, the right to merge the institution and the right to sell the stock.

- c) The Commissioner may base determination of a regulatory capital or net worth deficiency upon:

- 1) Reports from the subsidiary depository institution or the mutual holding company;

- 2) Audited financial statement of the mutual holding company or the subsidiary depository institution;

- 3) Examination, including examination by another government regulator, or a federal deposit insurance company, of the mutual holding company or the subsidiary depository institution.

- d) In determining adequacy of net worth or regulatory capital, the Commissioner shall review and examine the financial condition of entities which are affiliates or subsidiaries of the mutual holding company and of the subsidiary depository institution.

- e) All infusions to net worth or regulatory capital under this Section must be in cash or cash equivalent instruments.

(Source: Added at Ill. Reg. _____, effective _____)

Section 400.2500 Savings and Loan Holding Company Filing Fees

Filings pertaining to matters named hereafter shall be subject to the indicated fee. Such fee shall be paid at the Commissioner's office at the time of filing. Payment shall be by check, draft, or money order made payable to the Commissioner of Savings and Loan Associations.

- a) Registration fee (Section 3301A-3 of the Act). \$1,000.00
b) Conversion to Federal Charter (Article 6, Section 6-12 of the Act) \$1,000-002,500.00

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period ended December 31. Such fees shall be for the calendar year then ended. Computations shall omit hundreds from the total assets and the fee shall be rounded to the nearest dollar amount.

b) One fourth of the sum of the supervisory fee so determined shall be remitted at the time of each calendar quarter end. A calendar quarter end shall mean March 31, June 30, September 30, and December 31. Such fees shall be for the respective current calendar year.

c) Supervisory fees shall be determined by the Commissioner within ninety (90) days following the close of the respective calendar year; however, the dates of billings shall not prejudice the validity of an invoice for any such fees billed at a later date.

d) In the situation where service corporations and/or finance subsidiaries are owned by the Association, the owned assets may be consolidated with the assets of the Association for calculation of this fee. If the finance subsidiary is not active and is in the form of a Collateralized Mortgage Obligation or a similar vehicle, the Commissioner may waive that portion of the fee attributed to the finance subsidiary.

e) In the event the State charter is converted or otherwise surrendered during the course of the year, the Commissioner shall determine the supervisory fee based on the total assets of the Association as of the month-end immediately preceding the cancellation of the State charter, except that the measurement date may be another date at the discretion of the Commissioner in the event an Association elects to liquidate.

(Source: Amended at Ill. Reg. _____, effective _____)

Section 400.2520 Examination Fees

Time expended in the conduct of any examination of the affairs of any association or service corporation pursuant to the provisions of Section 7-5 (a) of the Act or applicable service corporation undertakings, respectively, shall be billed by the Commissioner at a rate of \$29.00 per examiner hour. Such fee shall be billed within forty-five (45) days following completion of the respective examination. In the situation where examination procedures are performed at out-of-state locations, the examination fee of \$29.00 per hour plus travel, lodging and per diem shall be assessed. Additionally, travel time shall be billed at the examination rate of \$29.00 per hour.

(Source: Amended at Ill. Reg. _____, effective _____)

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SUBPART O: SAVINGS AND LOAN ADVISORY BOARD

Section 400.2700 Purpose

The Savings and Loan Advisory Board ("Advisory Board") shall be appointed by the Commissioner of Savings and Loan Associations to assist him in the conduct of his duties with respect to the regulation of thrift institutions and savings and loan holding companies by:

- a) Providing information to the Commissioner concerning situations or conditions which may have direct or indirect impact on the savings industry in Illinois.
- b) Contributing suggestions for statutory and regulatory proposals.
- c) Reviewing, and advising the Commissioner about proposed legislation and rules.

(Source: Added at Ill. Reg. _____, effective _____)

Section 400.2710 Composition, Appointment

- a) The Advisory Board shall be composed of members appointed by the Commissioner in a number to be determined by the Commissioner.
- b) Members of the Savings and Loan Board, serving pursuant to the Illinois Savings and Loan Act of 1985, automatically shall be members of the Advisory Board.

c) Appointments to the Advisory Board shall be for two-year terms, the first to commence on January 1, 1989. Terms of all members shall commence simultaneously and expire simultaneously, except for members of the Savings and Loan Board, whose terms on the Advisory Board shall coincide with their tenures on the Savings and Loan Board.

d) No member of the Advisory Board, including the Chairman, shall receive any compensation for services on the Advisory Board but shall be reimbursed for ordinary and necessary expenses incurred in attending meetings of the Advisory Board.

(Source: Added at Ill. Reg. _____, effective _____)

- 1) Heading of Part: Older Americans Act Programs
- 2) Code Citation: 89 Ill. Adm. Code 230
- 3) Section Numbers: Adopted Action:
- | | |
|---------|-----------|
| 230.360 | Amendment |
| 230.362 | Amendment |
| 230.365 | Amendment |
- 4) Statutory Authority: Illinois Revised Statutes 1985, Ch. 23, par. 6104.01(4) and (11)
- 5) Effective Date of Amendments: February 1, 1989
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: January 24, 1989
- 9) Notice of Proposal Published in Illinois Register: September 23, 1988, 12 Ill. Reg. 14777 (Issue Date)

- 10) Has JCAR issued a Statement of Objections to these Rules? No
- 11) Differences between proposal and final version:
- The Authority Note has been updated to reflect the 1987 edition of the Illinois Revised Statutes.
- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this amendment replace emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
230.510	New Section	12 Ill. Reg. 12137: 7/29/88
230.520	New Section	12 Ill. Reg. 12137: 7/29/88
230.530	New Section	12 Ill. Reg. 12137: 7/29/88

- 230.540 New Section 12 Ill. Reg. 12137: 7/29/88
- 230.550 New Section 12 Ill. Reg. 12137: 7/29/88
- 230.560 New Section 12 Ill. Reg. 12137: 7/29/88
- 230.570 New Section 12 Ill. Reg. 12137: 7/29/88
- 230.580 New Section 12 Ill. Reg. 12137: 7/29/88

15) Summary and Purpose of Amendments:

As amended, these amendments have changed to annually the requirement for a Financial and Compliance Audit for providers of services under Older American Act programs. Revised timeframes for submission of applicable documentation have also been specified.

16) Information and questions regarding this adopted rule shall be directed to:

Name: Melvin E. Koch
Policy and Rules Supervisor
Illinois Department on Aging
Address: 421 East Capitol Avenue
Springfield, Illinois 62701
Telephone: (217) 785-3356

The full text of the Adopted Amendments begins on the next page:

TITLE 89: SOCIAL SERVICES
CHAPTER II: DEPARTMENT ON AGING
PART 230
OLDER AMERICANS ACT PROGRAMS

SUBPART A: STATE AGENCY

Section
230.10 Designation and Function
230.20 Administration
230.30 State Plan
230.40 State Agency Requirements
230.41 Advocacy
230.42 Long-Term Care Ombudsman Program
230.43 Service Delivery Systems Responsibilities
230.44 State Advisory Council
230.45 Intrastate Funding Formula
230.46 Hearings
230.47 Designation of Planning and Service Areas

SUBPART B: AREA AGENCIES ON AGING

Section
230.110 Designation and Function
230.120 Administration
230.130 Area Plans
230.140 Withdrawal of Area Agency on Aging Designation
230.145 Continuity of Services
230.150 Area Agency on Aging Responsibilities

SUBPART C: SERVICE REQUIREMENTS

Section
230.210 Direct Provision of Services by the Department and Area Agencies on Aging
230.220 Planning, Coordination and Provision of Services Funded Under Other Programs
230.230 Licensure and Safety Requirements
230.240 Provider Requirements
230.250 Services

SUBPART D: FISCAL REQUIREMENTS

Section
230.310 Types of Allotments
230.320 Limitations on Use
230.330 Service Funding Requirements

230.340 Obligation of Allotments
230.350 Maintenance of Effort: Non-Federal Share
230.360 General Financial and Compliance Requirements
230.361 Purpose of Financial and Compliance Audits
230.362 Audit Engagement Letter
230.363 Distribution of the Cost of a Unified Audit
230.364 Scope of the Financial and Compliance Audit
230.365 Audit Reports
230.370 Program and Financial Reviews

SUBPART E: HEARINGS

Section
230.410 Hearing Before the Department
230.420 Hearing Before the Area Agency on Aging
230.430 Non-applicability of Hearing Requirements
230.440 Arrangements for Hearings

SUBPART F: TITLE III-D

Section
230.510 Target Population (Emergency Expired)
230.520 Eligibility Criteria (Emergency Expired)
230.530 Eligibility Determination (Emergency Expired)
230.540 Allowable Services (Emergency Expired)
230.550 Maintenance of Effort (Emergency Expired)
230.560 Coordination of Services (Emergency Expired)
230.570 Distribution of Funds (Emergency Expired)
230.580 Area Agency on Aging Administration (Emergency Expired)

AUTHORITY: Implementing the Illinois Act on the Aging (111. Rev. Stat. 1987, ch. 23, pars. 6101 et seq.) and the Older Americans Act (42 U.S.C.A., 3001 et seq.) and authorized by Section 4.01 of the Illinois Act on the Aging (111. Rev. Stat. 1987, ch. 23, par. 6104.01).

SOURCE: Adopted at 5 111. Reg. 3722, effective March 31, 1981; amended at 6 111. Reg. 7379, effective June 16, 1982; codified at 7 111. Reg. 5178; amended at 7 111. Reg. 9132, effective July 27, 1983; amended at 8 111. Reg. 9330, effective June 15, 1984; amended at 9 111. Reg. 5297, effective April 8, 1985; amended at 10 111. Reg. 5787, effective March 27, 1986; rescinded at 10 111. Reg. 7653; amended at 10 111. Reg. 14616, effective August 26, 1986; amended at 11 111. Reg. 3856, effective February 17, 1987; amended at 11 111. Reg. 7586, effective April 8, 1987; amended at 11 111. Reg. 15869, effective October 1, 1987; emergency amendments at 12 111. Reg. 12540, effective July 15, 1988, for a maximum of 150 days, expired December 12, 1988; amended at 13 111. Reg. 2015, effective February 1, 1989.

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SUBPART D: FISCAL REQUIREMENTS

Section 230.360 General Financial and Compliance Requirements

- a) All grantees and contractors who receive financial assistance through the Illinois Department on Aging must obtain a financial and compliance audit of their aging program operations. Such financial and compliance audits must be made in accordance with generally accepted auditing standards, including the standards of:
 - 1) the U.S. General Accounting Office's publications, Standards for Audit of Governmental Organizations, Programs, Activities, and Functions (43 CFR 12, October 1, 1985, no later editions or amendments included) and Guidelines for Financial and Compliance Audits of Federally Assisted Programs, and
 - 2) any specific audit instructions issued by the Illinois Department on Aging.
- b) Financial and Compliance Audits shall be performed by a licensed firm of Certified Public Accountant(s) in good standing who are sufficiently independent of those who authorize the expenditure of Older Americans Act or related funds (e.g., interest income, local cash, in-kind contributions, project income), including the matching funds provided, in order to produce unbiased opinions, conclusions or judgments. They shall meet the independence criteria outlined in Chapter 3, Part 3, of the U.S. General Accounting Office publication, Standards for Audit of Governmental Organizations, Programs, Activities and Functions (43 CFR 12, October 1, 1985, no later editions or amendments included). In instances where the grantee is an agency of a unit of general purpose government, the grantee may contract with the audit division thereof subject to the prior approval of the Illinois Department on Aging and subject to the requirements of Section 230.363.
- c) Financial and Compliance Audits must be conducted at least biannually. If a financial and compliance audit is conducted every two (2) years, the financial and compliance audit will cover both years. The frequency shall be appropriate to the size, nature and complexity of the area agency's activities and financial system.
- d) Where an aging project is operated within a multipurpose organization or one which operates more than one aging project, the grantee may obtain an organization-wide financial compliance audit so long as the audit procedures used and the audit report address

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the aging project specifically. Also, the portion of the audit expense charged to the Older Americans Act or other Illinois Department on Aging-administered funds must be proportional to the share of the audit dealing with the project.

- e) Each grantee must establish a procedure for reviewing financial and compliance audit reports and responding to recommendations.

(Source: Amended at 13 Ill. Reg. 2015, effective Feb. 1, 1999

Section 230.362 Audit Engagement Letter

- a) An area agency will ensure that the contract with the auditor is covered by an audit engagement letter which, at a minimum, must include:
 - 1) Scope of the audit.
 - 2) Audit Period.
 - 3) Type of audit.
 - 4) Provision for an expression of positive assurance on the compliance of the audited entity with regulatory requirements (described in Section 230.361) for tested items, and negative assurances for untested items.
 - 5) Provision for a letter of non-material finding(s) (minor discrepancies found in the audit and not included in the report) developed in the audit and excluded from the report.
 - 6) Basis for allocation of fee. The cost of the audit shall be distributed to all sources of funds based on a reasonable distribution plan.
 - 7) Due date for submission of the final and compliance audit.
 - 8) Submission of one full, complete copy of the compliance audit working papers to the audited entity.
 - 9) Any additional terms, agreements or relationships imposed by the area agency or the auditor affecting the audit agreement.
- b) The Audit Engagement Agreement must be submitted to the Department for approval no later than three (3) months after the end of the fiscal year to be audited.

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bc) The Department (Division of Administrative Compliance, Financial Compliance/Audit Review Section) will approve or deny the engagement terms on the basis of the content of the audit engagement agreement specified in the audit engagement letter. The audit engagement agreement will be denied for any of the following reasons:

- 1) The audit engagement agreement does not meet the minimum content required by subsection (a);
- 2) The basis of allocation of the audit fee is not deemed to be reasonable because the percentage of the fee charged to each funding source or program does not represent the proportion of funds expended from each source or program relative to total funds expended for the audit period;
- 3) The terms of the agreement do not comply with rule provisions governing audits, as specified in Sections 230.360 - 230.365.

Source: Amended at 13 Ill. Reg. 2015, effective Feb. 1, 1989

Section 230.365 Audit Reports

- a) The auditor must submit the following reports to the area agency:
 - 1) Financial statements and opinion on the financial statements. Financial statements must identify each grant program.
 - 2) Statement of Area Agency Budgets, Expenditures and Balances by line item for each grant program.
 - 3) A separate opinion regarding the internal control of the agencies and reference to any deficiencies and recommendations for improving them.
 - 4) A list of any costs which vary with prevailing Federal laws and regulations, compliance requirements in Compliance Supplement to OMB Circular A-102 128, OMB Circulars (e.g., A-122, A-102, A-110, A-87), 45 CFR 74 (October 1, 1985 1987, no later editions or amendments included), prevailing State laws and rules of the Department including those specified in 89 Ill. Adm. Code 210.40.
 - 5) A separate opinion as to extent of compliance with prevailing Federal regulations as promulgated in the Supplement to OMB Circular A-102 128 and State laws and rules of the Illinois Department on Aging.

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- 6) A letter of representation prepared on the audited entity's letterhead stationery shall be signed by the Chairman of the Board or officially authorized representative and the Financial Officer of the audited entity when agreement has been reached on the content of the audit.
- 7) As part of the audit report, the auditor will inventory all subgrantees' and contractors' audit reports for compliance with OMB Circulars A-110 or A-128 (43 CFR 12.45 CFR 74, Appendix J, October 1, 1985 1987, no later editions or amendments included), as applicable, and summarize the findings of each and the area agency's disposition of any questioned costs.
- 8) Such other statements and narratives deemed appropriate in the professional judgment of the auditor.
- b) Upon completion of the field work, the auditor must hold an exit conference with senior officials of the grantee organization.
 - 1) The grantee must contact the Department to inform it of the time and place of the exit conference, at least one week in advance of the proposed date, when possible;
 - 2) The Department will inform the grantee if any information beyond the audit proposal or final audit report will be required to be made available to the Department prior to the exit conference.
- c) A copy of area agency independent annual audit must be submitted to the Department by date established in Audit Engagement Agreement: (Biannual audits must be started no later than ninety (90) days after the close of the second grant program year and submitted to the Department no later than 180 days after the close of the second grant program year within thirty (30) days after completion (due date established in the Audit Engagement Agreement) but no later than nine (9) months after the end of the fiscal year audited.
- d) If any deficiencies or recommendations are included in the audit report, the area agency must indicate how it proposes to take corrective action.
- e) State agency actions:
 - 1) The Department shall subsequently monitor the area agency to verify that actions are being taken to fulfill audit recommendations.

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- 2) If audit findings of an area agency indicate a condition specified in Section 230.140(a)(1-4), the Department shall immediately begin suspension or termination procedures.
- f) Area agencies will have a maximum of 180 days from the date of receipt of the final audit report to resolve any audit findings and/or questioned costs. Repayment must be completed based on any negotiated settlement.
 - 1) Questioned costs will be disallowed if audit resolution does not occur within the 180 day time limitation or if documentation is inadequate to resolve questioned costs.
 - 2) If questioned costs are deemed disallowed, a disallowance of questioned costs letter will be forwarded to the audited entity by the Department requesting a return of funds for the identified disallowed costs.
 - 3) If unallowable costs are contained within the audit report, and thus disallowed, a letter will be forwarded to the audited entity by the Department requesting a return of funds for the identified unallowable costs. Unallowable costs can only be resolved by remittance of funds due.
 - 4) Failure to remit funds due for either questioned costs deemed disallowed or unallowable costs within 30 days will necessitate the Department to take appropriate action against the grantee agency (e.g., legal, administrative, withholding of funds).
 - 5) Audit resolution can take place any time within the 180 day timeframe.

(Source: Amended at 13 Ill. Reg. 2015, effective Feb. 1, 1989)

NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: Emergency Shelter Grants Program
- 2) Code Citation: 47 Ill. Adm. Code 160
- 3) Section Numbers: 160.80
Adopted Action: Amendment
- 4) Statutory Authority: Implementing Sections 46.37 (f) and 46.41 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, pars. 46.37(f) and 46.41), "AN ACT making appropriations for Agriculture, Rural Development and Related Agencies programs for the fiscal year ending September 30, 1987, and for other purposes" (P.L. 99-500, effective October 18, 1986, Section 101(g)), and Section 575.59(h) of the U.S. Department of Housing and Urban Development Emergency Shelter Grants Program rules (24 CFR 575 (1987)) and authorized by Section 46.42 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, par. 46.42).
- 5) Effective Date of Amendments: February 6, 1989
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Do these amendments contain incorporations by reference? No.
- 8) Date Filed in Agency's Principal Office: February 2, 1989.
- 9) Notice of Proposal Published in Illinois Register: June 3, 1988, 12 Ill. Reg. 9271.
- 10) Has JCAR issued a Statement of Objections to these amendments? No.
- 11) Differences between proposal and final version:
In the main source note and the section source note, changed the volume number of the Illinois Register from "12" to "13".
Deleted the sixth sentence of Section 160.80(d).
Added the following language to the end of the seventh sentence of Section 160.80(d): "(e.g., through technical assistance; coordination of the audit functions between the audit firm, the Department, and the grantee)".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.
- 13) Will these amendments replace an emergency amendment currently in effect? No.

14) Are there any amendments pending on this Part? No.

15) Summary and Purpose of Amendments: Per an agreement reached with the Joint Committee on Administrative Rules, Section 160.80 of the "Emergency Shelter Grants Program" rules is being amended to incorporate additional provisions governing the audit of program funds. Amendments address the procurement and management of financial and compliance audits, the audit resolution process and special audits.

16) Information and questions regarding these adopted amendments shall be directed to:

Mr. Dennis R. Whetstone, Deputy Director
Department of Commerce and Community Affairs
Bureau of Program Administration
620 East Adams Street, 5th floor
Springfield, Illinois 62701
(217) 782-6136

The full text of the Adopted Amendments begins on the next page:

TITLE 47: HOUSING AND COMMUNITY DEVELOPMENT
CHAPTER I: DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

PART 160
EMERGENCY SHELTER GRANTS PROGRAM

Section	Purpose
160.10	Definitions
160.20	Program Requirements
160.30	Shelter Categories
160.40	Notice of Fund Availability
160.50	Application Requirements
160.60	Selection for Funding
160.70	Administrative Requirements
160.80	Incorporation by Reference
160.90	

AUTHORITY: Implementing Sections 46.37(f), 46.38, and 46.41 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, pars. 46.37(f), 46.38, and 46.41), "AN ACT making appropriations for Agriculture, Rural Development, and Related Agencies programs for the fiscal year ending September 30, 1987, and for other purposes" (P.L. 99-500, effective October 18, 1986, Section 101(g)), and the U.S. Department of Housing and Urban Development Emergency Shelter Grants Program rules (24 CFR 575 (1987)) and authorized by Section 46.42 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, par. 46.42).

SOURCE: Emergency rules adopted at 11 Ill. Reg. 15233, effective August 27, 1987, for a maximum of 150 days; adopted at 12 Ill. Reg. 3676, effective January 29, 1988; amended at 13 Ill. Reg. 2024, effective February 6, 1989.

Section 160.80 Administrative Requirements

- a) Progress Reports - Annual progress reports will be required by the Department. These reports will outline the obligation and expenditure of funds under the shelter grants program. The Department reserves the right to request additional information to further clarify or document activities as may be necessary.
- b) Financial Management Standards - The local government as the grantee is accountable for all funds received under this program. The grantee, through the agreement with the not-for-profit organizations, must maintain accountability over all funds, equipment, property and other assets under the grant as required by the Department. Records shall be kept which detail the expenditures of grant funds and accurately document such

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

expenditures.

- c) Monitoring - The Department will monitor each homeless shelter grant funded under this program periodically throughout the fiscal year. The project will be evaluated for compliance with the terms and conditions of the grant document.
- d) Audits - The local government as the grantee will be responsible for having an annual financial and compliance audit of all grant records in accordance with HUD Non-Federal Governmental Audit Requirements (24 CFR 44 (1987)). Such audit must be performed by an independent public accountant, certified and licensed by the authority of the State of Illinois. The grant audit should be conducted as part of the grantee's annual audit. Subgrantees (private nonprofit organizations) are subject to the audit requirements of OMB Circular A-110 (47 Ill. Adm. Code 1.7 Appendix B). The grantee will provide the Department with six (6) copies of its annual audit. The Department will work with the local government until any audit questions are resolved (e.g., through technical assistance; coordination of the audit functions between the audit firm, the Department, and the grantee). Additional provisions governing the audit process are outlined in 47 Ill. Adm. Code 1.130(c) through (g).
- e) Special Conditions and Terms - Successful applicants, prior to the release of funds, must submit documentation to substantiate that assertions made in the application are met. The Department reserves the right to establish the amount of the grant award. Grant related expenses may be incurred only after all grant conditions have been met and the grant award document executed.
- f) Memorandum of Agreement - Each local government will enter into an agreement with the not-for-profit organization undertaking the proposed project activities. This agreement will govern project activities and the release of funds.
- g) For the purposes of this Part, additional administrative provisions specified in 47 Ill. Adm. Code 1.110 and those found in HUD Emergency Shelter Grants Program rules (24 CFR 575.59, 575.61, 575.63, 575.65, 575.67, and 575.69 (1987)) are applicable.

(Source: Amended at 13 Ill. Reg. 2024, effective February 6, 1989)

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: Illinois Large Business Development Program
- 2) Code Citation: 14 Ill. Adm. Code 590
- 3) Section Numbers: Adopted Action:
590.10 Amendment
590.80 New Section
590.81 New Section
590.90 New Section
590.91 New Section
590.92 New Section
590.93 New Section
- 4) Statutory Authority: Implementing and authorized by Section 10-3 of the Large Business Development Act (Ill. Rev. Stat. 1987, ch. 127, par. 2710-3, as amended by P.A. 85-1180, effective January 1, 1989).
- 5) Effective Date of Amendments: February 6, 1989
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Do these amendments contain incorporations by reference? No.
- 8) Date Filed in Agency's Principal Office: February 2, 1989.
- 9) Notice of Proposal Published in Illinois Register: September 30, 1988, 12 Ill. Reg. 15249.
- 10) Has JCAR issued a Statement of Objections to these amendments? No.
- 11) Differences between proposal and final version:
In the main source note and all Section source notes, the volume number of the Illinois Register has been changed from "12" to "13".
The heading for Subpart B found in the text of the rules has been changed to match the heading in the table of contents.
The Section 590.80 source note has been changed from "Amended" to "Added".
In Section 590.81(c)(2) and (c)(4), the name of the Act has been changed to read "AN ACT to revise the law in relation to counties".
In lines 5 and 6 of Section 590.92, revised the parenthetical cite to read "see Sections 590.25 and 590.30)".
In the 11th line of Section 590.92(d), inserted ", no later amendments or editions included" after "(1987)".

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NOTICE OF ADOPTED AMENDMENTS

TITLE 14: COMMERCE
SUBTITLE C: ECONOMIC DEVELOPMENT
CHAPTER 1: DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

In the first line of Section 590.93 changed "Section 10" to "Section 10-4".

In the 4th line of Section 590.93, changed "Section 590.93 of this subpart" to "Sections 590.30 and 590.40 of Subpart A".

Added the following language to the end of Section 590.93: "This determination will be based on such factors as: distressed community with an unemployment rate which is higher than the State's average; area with limited economic development projects; funding would support business with potential to generate additional growth in the area and creation of jobs as a result of spinoff businesses; funding is needed to avert loss of the area's major source of employment, etc."

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.

13) Will these amendments replace an emergency amendment currently in effect? No.

14) Are there any amendments pending on this Part? No.

15) Summary and Purpose of Amendments: Sections 590.80 and 590.81 have been added to rules entitled "Illinois Large Business Development Program" (14 Ill. Adm. Code 590) which specify provisions governing the use of program funds for the demolition of abandoned buildings in accordance with P.A. 85-288, effective September 8, 1987. Sections 590.90, 590.91, 590.92, and 590.93 have also been added which provide the department's procedures governing the distribution of grant funds to or for businesses for the purpose of reducing the cost of financing to a business, as authorized by P.A. 85-1180, effective January 1, 1989. Specifically this amended language addresses the application cycle, evaluation process, and funding limitations. Additionally, this Part has been divided into subparts to clarify the rules and to allow for possible future program expansion.

16) Information and questions regarding these adopted amendments shall be directed to:

Mr. Dennis R. Whetstone, Deputy Director
Department of Commerce and Community Affairs
Bureau of Program Administration
620 East Adams Street, 5th floor
Springfield, Illinois 62701
(217) 782-6136

The full text of the Adopted Amendments begins on the next page:

Section	
590.10	Purpose
590.15	Loan Terms (Renumbered)
590.20	Application Cycle
590.25	Application Documentation
590.30	Evaluation Process
590.40	Selection for Funding
590.50	Funding Limitations
590.60	Allowable Leverage
590.70	Administrative Requirements

SUBPART B: GRANTS FOR DEMOLITION OF ABANDONED BUILDINGS

Section	
590.80	Purpose
590.81	Application Evaluation

SUBPART C: GRANTS FOR INTEREST WRITE-DOWN

Section	
590.90	Purpose
590.91	Application Cycle
590.92	Evaluation Process
590.93	Funding Limitations

AUTHORITY: Implementing and authorized by the Large Business Development Act (Ill. Rev. Stat. 1987, ch. 127, pars. 2710-1 et seq., as amended by P.A. 85-1180, effective January 1, 1989).

SOURCE: Emergency rules adopted at 9 Ill. Reg. 14357, effective September 6, 1985, for a maximum of 150 days; adopted at 10 Ill. Reg. 3252, effective January 28, 1986; amended at 10 Ill. Reg. 19386, effective October 31, 1986; amended at 13 Ill. Reg. 2028, effective February 6, 1989.

SUBPART A: LOANS FOR LARGE BUSINESS DEVELOPMENT

Section 590.10 Purpose

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- a) Through the Illinois Large Business Development Program (Program), the Department of Commerce and Community Affairs (Department) will provide long term fixed-rate, low-interest loans (i.e., more than three years at below the prime rate then current in the major money centers) loans to large businesses in Illinois in cooperation with private sector lenders. The ultimate purpose of this program is to provide employment opportunities for Illinois citizens either through job creation or retention.
- b) To be eligible to participate in the Program, a company must be mature and stable, have a well-defined market, and employ over 500 persons. A large business includes any for-profit business organized as a sole proprietorship, partnership, corporation, joint venture, association, or cooperative. Companies targeted for assistance include established industrial and service firms with a proven record of earnings which sell their products or services to regions beyond Illinois and which have proven multi-state location options.
- c) The business project must be an out of state firm locating in Illinois or an expansion or retention of an existing firm - not an area relocation of an existing Illinois business. A business retention project should allow a company to maintain its output, share of the market, and existing jobs. New ventures will be considered only if the entity is protected with adequate security with regard to its financing and operation.

(Source: Amended at 13 Ill. Reg. 2028, effective February 6, 1989)

SUBPART B: GRANTS FOR DEMOLITION OF ABANDONED BUILDINGS

Section 590.80 Purpose

Grants are available to assist municipalities and counties to fund the demolition of abandoned buildings for the purpose of making unimproved land available for purchase by businesses for economic development.

(Source: Added at 13 Ill. Reg. 2028, effective February 6, 1989)

Section 590.81 Application Evaluation

The Department shall screen applications to determine that all application requirements specified in this Part have been met. The evaluation will address the following technical criteria:

- a) Application Documentation

NOTICE OF ADOPTED AMENDMENTS

- 1) The applicant municipality or county must provide an executed contract for sale between the owner of the property on which the abandoned building is located and the business.
- 2) The applicant municipality or county must provide a copy of a court order to demolish the identified abandoned building.
- 3) The application shall contain documentation to support the amount of funds requested. This shall consist of copies of three separate bids for the demolition. The amount of funds requested shall represent the lowest of the three bids.
- 4) The business which has entered into the contract to purchase the property must be an eligible large business as defined in Section 590.10 of this Part and provide a written certification that pursuant to Section 10-3 (i) of the Act, it will use the property for a project which is a new plant start-up or expansion or a new venture opportunity and is not an area relocation within the state. In addition, the business must provide the appropriate documentation that a project will be undertaken, resulting in job creation. The documentation requirements are outlined in Section 590.25 of this Part.

- b) Job Creation - The business project must result in new employment consistent with Section 590.30 (a)(2) of this Part. The application must further provide written commitment for job creation from the company which identifies the number of jobs to be created and the types of those jobs, and the time frame for job creation.

c) Financial Evaluation Component

- 1) The Department will conduct a review consistent with Section 590.30 (d) of this Part.
- 2) If a municipality or county receives such a grant, it must file a lien against the owner or owners of the demolished building(s) to recover expenses incurred in the demolition of such building(s). Municipalities and counties must comply with Section 11-31-1 of the Illinois Municipal Code (Ill. Rev. Stat. 1987, ch. 24, par. 11-31-1) or Section 25.24 of "AN ACT to revise the law in relation to counties" (Ill. Rev. Stat. 1987, ch. 34, par. 429.8), whichever is applicable. A copy of the court order must be submitted to

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The Department shall screen all applications to determine that all application documentation has been submitted in accordance with Section 590.25. Complete applications will be reviewed and evaluated by Department staff. Applicants will be notified of deficiencies in applications and given an opportunity to correct such deficiencies through resubmission (see Sections 590.25 and 590.30). This review and evaluation process will be completed within 30 days of the Department's receipt of the application. Department staff will conduct an evaluation of each application to assure compliance with the requirements specified in the Act. The evaluation will address the following technical criteria:

a) Evidence of Need for Program Funds.

1) It should be demonstrated, for example, that the firm has multi-state location options and that additional funds will be leveraged -- to cover up to 75 percent of total project costs. Types of allowable leverage financing are provided in Section 590.60 of this Part.

2) The business project must create or retain at least 300 full-time equivalent jobs over a 24 month period. The Director may waive the requirement for 300 jobs to be created for a large company meeting all other program criteria, as specified in the Act and this Part, but due to extenuating circumstances, cannot create 300 jobs (e.g., distressed community with unemployment rate which is considerably higher than state's average; area with limited economic development prospects as evidenced by prior and current development activities; funding would support business with potential to generate additional growth in area and creation of jobs as a result of spinoff businesses; funding needed to avert loss of the area's major source of employment, etc.).

b) Project Implementation Readiness - The company must demonstrate project readiness consisting of commitments identifying loans and investments from all lenders and investors on letterhead, signed and dated; and a time schedule for immediate project initiation.

c) Job Creation - The application must provide evidence of job creation including written assurance from the company which identifies the number of jobs to be created/retained; identification of the types of jobs created/retained; evidence that jobs created/retained will generate additional wealth for the community (e.g., final goods or services produced are sold in markets outside Illinois or goods or services produced and sold locally substitute for those imported from outside the State) -- these types of jobs will receive some preference; and evidence

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the Department with the application. The notice of first lien to recover costs and expenses must be filed within 60 days after such demolition. Department funds will not be released until a copy of the lien is provided to the Department.

3) Those costs and expenses incurred in the demolition by the county or municipality are recoverable and shall be recovered by the county or municipality and paid to the Department. These funds shall be repaid to the Department in a lump sum upon the transfer of clear title from the property owner to the business.

4) If within 120 days after the date of completion of the demolition these funds are not repaid to the Department, the lien shall be enforced by proceedings to foreclose, pursuant to Section 11-31-1 of the Illinois Municipal Code or Section 25.24 of "AN ACT to revise the law in relation to counties".

5) In accordance with Section 10-3 (i) of the Act, priority will be given to enterprise zones or those areas with high unemployment whose tax base is adversely impacted by the closing of existing factories.

(Source: Added at 13 Ill. Reg. 2028, effective February 6, 1989)

SUBPART C: GRANTS FOR INTEREST WRITE-DOWN

Section 590.90 Purpose

The Department shall provide grants to or for the direct benefit of a business for the sole purpose of reducing the cost of financing a project. Funds shall be used to achieve an optimum effective interest rate for the total project, in cooperation with other funding sources.

(Source: Added at 13 Ill. Reg. 2028, effective February 6, 1989)

Section 590.91 Application Cycle

Applications under this Program will be accepted throughout the year. The Department will supply interested applicants with an application package upon request. The award of grants for interest write-downs is subject to the availability of funds in any given fiscal year.

(Source: Added at 13 Ill. Reg. 2028, effective February 6, 1989)

Section 590.92 Evaluation Process

that the project to be undertaken has the potential to create substantial employment. A project with a lower ratio will be considered for funding if the application demonstrates severe need (e.g., distressed community with an unemployment rate which is considerably higher than the state's average; area with limited economic development projects as evidenced by prior and current development activities; funding would support business with potential to generate additional growth in area and creation of jobs as a result of spinoff businesses; funding needed to avert loss of the area's major source of employment, etc.).

d) Financial Evaluation Component - The company's financial statements, including the annual balance sheets and profit and loss statements for the past three years and the most recent ninety days, a three year projected balance sheet and profit and loss statement, and a one year monthly cash flow statement, will be reviewed through a standard credit analysis which will determine the: liquidity and debt coverage for the project, ability of the company to manage debt, business trends, and projected earnings. This data will be compared to similar data for companies in the same industry using "Robert Morris Associates Annual Statement Studies" (1987, no later amendments or editions included), if such industry is evaluated by this source. This standard credit analysis will determine the financial stability of the company in accordance with Section 10-5 of the Act.

(Source: Added at 13 Ill. Reg. 2028, effective February 6, 1989)

Section 590.93 Funding Limitations

In accordance with Section 10-4 of the Act, the Director will waive the funding limitations governing the amount of the grant and percentage of leverage when it is determined that these funding limitations would prohibit an otherwise approved project, in accordance with Sections 590.30 and 590.40 of Subpart A, and subsequent job creation/retention from occurring. This determination will be based on such factors as: distressed community with an unemployment rate which is higher than the State's average; area with limited economic development projects; funding would support business with potential to generate additional growth in the area and creation of jobs as a result of spinoff businesses; funding is needed to avert loss of the area's major source of employment, etc.

(Source: Added at 13 Ill. Reg. 2028, effective February 6, 1989)

- 1) The Heading of the Part: Reports of Accidents or Incidents by Persons Engaged in the Transportation of Gas, or Who Own or Operate Gas Pipeline Facilities
- 2) Code Citation: 83 Ill. Adm. Code 595
- 3) Section Numbers: Adopted Action:
595.120 Amendment
- 4) Statutory Authority: Implementing and authorized by Section 6 of the Illinois Gas Pipeline Safety Act (Ill. Rev. Stat. 1987, ch. 111 2/3, par. 556).
- 5) Effective Date of Amendment: February 1, 1989
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Does this amendment contain incorporations by reference? No.
- 8) Date Filed in Agency's Principal Office: January 25, 1989
- 9) Notice of Proposal in Illinois Register:
October 14, 1988 at 12 Ill. Reg. 16309
- 10) Has JCAR issued a Statement of Objection to this amendment?
No.
- 11) Differences between proposal and final version:
The heading of the Subpart has been corrected.
- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.
- 13) Will this amendment replace an emergency amendment currently in effect? No.
- 14) Are there any amendments pending on this Part? No.
- 15) Summary and Purpose of Amendment: This amendment corrects a typographical error and updates a statutory reference.

ILLINOIS COMMERCE COMMISSION
NOTICE OF ADOPTED AMENDMENT

- 16) Information and questions regarding this adopted amendment shall be directed to:

Conrad Rubinkowski
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, Illinois 62706
(217)785-3922

The full text of Adopted Amendment begins on the next page:

ILLINOIS COMMERCE COMMISSION
NOTICE OF ADOPTED AMENDMENT

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER d: GAS UTILITIES

PART 595

REPORTS OF ACCIDENTS OR INCIDENTS BY PERSONS ENGAGED
IN THE TRANSPORTATION OF GAS, OR WHO OWN OR OPERATE
GAS PIPELINE FACILITIES

SUBPART A: GENERAL PROVISIONS

Section
595.10 Exemption from 83 Ill. Adm. Code 220

SUBPART B: REPORTS OF ACCIDENTS OR INCIDENTS

Section
595.110 Definitions
595.120 Reporting of Accidents or Incidents
595.130 Immediate Reports

AUTHORITY: Implementing and authorized by Section 6 of the
Illinois Gas Pipeline Safety Act (Ill. Rev. Stat. 1987, ch.
111 2/3, par. 556).

SOURCE: Filed July 16, 1970; codified at 8 Ill. Reg. 7616;
amended at 10 Ill. Reg. 8970, effective June 1, 1986; recodified
from 92 Ill. Adm. Code 1810 at 12 Ill. Reg. 12998; amended at
Ill. Reg. 2036, effective February 1, 1989.

SUBPART B: REPORTS OF ACCIDENTS OR INCIDENTS

Section 595.120 Reporting of Accidents or Incidents

- a) A report of each accident or incident shall be filed
with the Commission not later than thirty (30) days
after such accident or incident occurred. The report
shall be made on Form Ill. C.C. (P.U. 7) Accident or
Incident Report, or the appropriate U.S. Department of
Transportation Incident Report Form, RSPA F7100.1
(3-874) for Gas Distribution Systems, or RSPA
F7100.2 (3-84) for Gas Transmission and Gathering
Systems. If the accident investigation is incomplete
after the expiration of the thirty (30) day period, an
additional report will be filed upon its completion, or
every ninety (90) days until the investigation is
completed.

ILLINOIS COMMERCE COMMISSION

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- b) Information required by this form must be provided to comply with Section 6 of the Illinois Gas Pipeline Safety Act. Failure to do so may result in penalties pursuant to Section 7 of the Illinois Gas Pipeline Safety Act (Ill. Rev. Stat. 1985, ch. 111 2/3, par. 557).

(Source: Amended at 13 Ill. Reg. 2036, effective February 1, 1989)

EMERGENCY SERVICES AND DISASTER AGENCY

NOTICE OF ADOPTED RULES

- 1) The Heading of the Part: Emergency and Written Notification of an Incident or Accident Involving a Reportable Hazardous Substance.

- 2) Code Citation: 29 Ill. Adm. Code 430

- 3) Section Numbers:

430.10
430.15
430.20
430.30
430.40
430.50
430.60
430.70
430.80

Adopted Action:

New Section
New Section
New Section
New Section
New Section
New Section
New Section
New Section
New Section

- 4) Statutory Authority: Implementing "An Act to require labeling of equipment and facilities for the use, transportation, storage and manufacture of hazardous materials and to provide for a uniform response system to hazardous materials emergencies" (Ill. Rev. Stat. 1987, ch. 127, pars. 1251 et seq.) and authorized by Section 6(c)(1) of the Illinois Emergency Services and Disaster Agency Act of 1988 (P.A. 1027, effective June 30, 1988).

- 5) Effective Date of Rule: February 6, 1989

- 6) Does this Rulemaking Contain an Automatic Repeal Date? No.

- 7) Does this Rulemaking Contain Incorporations by Reference? No.

- 8) Date Filed in Agency's Principle Office: February 6, 1989

- 9) Notice of Proposal Published in Illinois Register: November 4, 1988, 12 Ill. Reg. 17575.

- 10) Has JCAR Issued a Statement of Objections to this Rule? No.

- 11) Differences Between Proposal and Final Version: The paragraphs that follow describes changes that the IESDA made to the sections outlined. Some changes were based on public comment. Some changes were deemed significant in that a rewrite of part or all of a section was required, and consequently, effected the meaning of some material that was contained in the proposed version of the rule. Other changes were made to adjust the content of the new rule with a syntactical flow consistent with the material that was changed. Likewise, minor syntactical adjustments that has little or no impact on semantic content were also made. The descriptions follow:

Section 430.15 Applicability

This section was added because it was felt that the appropriate targeted population should be defined for better clarification of compliance responsibility.

Section 430.20 Definitions

- a) The term "CERCLA Hazardous Substance" was deleted.
- b) A definition for the terms "Accident" and "Incident" were added to this Section.
- c) The terms "Potential Release", "Radioactive Material", "Reportable Hazardous Substance", "Reportable Substance", and "UN/NA" were all deleted from this Section.

Section 430.30

In order to delineate more favorably emergency notifications procedures for hazardous material incidents or accidents, the following changes were made to this Section:

- a) The text of subsections 430.30a) and b) and c) were rewritten.
- b) Subsections 430.30 d) through g) were deleted.

Section 430.40

- a) It is felt that it might be detrimental to the intent of emergency notification in situations where time constraints during an extreme emergency would prevent the responsible reporting party from having many significant facts regarding a hazardous materials incident or accident. Therefore, from an emergency management standpoint, the initial notice should provide specific basic critical information. Follow-ups would be called in as time permits during the emergency situation. Consequently, subsections 430.40 a) through i) were rewritten to include those minimum facts that are required during initial notification.

- b) Consequently, subsections 430.40 j) through r) were deleted.

Section 430.60

In order to more clearly define the terms of exempted releases, subsections 430.60 a) through c) were rewritten.

Section 430.80

It is necessary to include a statement so that statutory responsibility for investigating violations of this Part is clear.

- 12) Have all Changes Agreed Upon by the Agency and JCAR Been Made as Indicated in the Agreement Letter Issued by JCAR? Yes.
- 13) Will this Rule Replace an Emergency Rule Currently in Effect? No.
- 14) Are there any Amendments Pending on this Part? No.
- 15) Summary and Purpose of Rule: This rule establishes the State of Illinois policy for the immediate notification of an accident or incident and subsequent written report as required which involves the release of a reportable hazardous or extremely hazardous substance or, in the case of a transportation incident, a hazardous material. Its purpose is to provide for a centralized and expedient method for alerting State and local governments about a potential or actual release so that an appropriate emergency response system can be activated should it become necessary.

- 16) Information and Questions Concerning this Adopted Rule shall be Directed to:

Oran S. Robinson, Jr.
Illinois Emergency Services and Disaster Agency
110 East Adams
Springfield, Illinois 62706
Telephone: (217)782-4694

The full text of the Adopted Rule begins on the next page:

EMERGENCY SERVICES AND DISASTER AGENCY

NOTICE OF ADOPTED RULES

TITLE 29: EMERGENCY SERVICES, DISASTERS, AND CIVIL DEFENSE
 CHAPTER I: EMERGENCY SERVICES AND DISASTER AGENCY
 SUBCHAPTER d: STATE EMERGENCY RESPONSE

PART 430

EMERGENCY AND WRITTEN NOTIFICATION OF AN INCIDENT OR ACCIDENT INVOLVING A
 REPORTABLE HAZARDOUS SUBSTANCE

Section	Purpose
430.10	Applicability
430.15	Definitions
430.20	Emergency Notification of an Incident or Accident Involving a Reportable Hazardous Substance or Material
430.30	Contents of Notice
430.40	Notification Responsibility to Agencies other than the SERC, IESDA, the LEPC and the Local Emergency Agency
430.50	Exempted Releases
430.60	Follow-up Emergency Notice
430.70	Enforcement
430.80	

AUTHORITY: Implementing "AN ACT to require labeling of equipment and facilities for the use, transportation, storage and manufacture of hazardous materials and to provide for a uniform response system to hazardous materials emergencies" (Ill. Rev. Stat. 1987, ch. 127, pars. 1251 et seq.) and Section 304 of Title III of the Superfund Amendments and Reauthorization Act of 1986 (42 U.S.C. 11004) and authorized by Section 6(c)(1) of the Illinois Emergency Services and Disaster Agency Act of 1988 (P.A. 85-1027, effective June 30, 1988).

SOURCE: Filed April 8, 1977. Rules repealed, new rules adopted and codified at 6 Ill. Reg. 10928, effective September 1, 1982; Part repealed, new Part adopted at 13 Ill. Reg. 2040, effective February 6, 1989.

Section 430.10 Purpose

This Part establishes the State of Illinois policy for the immediate notification of an accident or incident and subsequent written report as required which involves the release of a reportable hazardous or extremely hazardous substance or, in the case of a transportation incident, a hazardous material. The procedures herein provide for a centralized and expedient method for alerting state and local governments about a potential or actual release so that an appropriate emergency response system can be activated should it become necessary.

Section 430.15 Applicability

The requirement of this section applies to any facility:

- a) at which there is a release of a reportable quantity of a hazardous

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NOTICE OF ADOPTED RULES

- b) substance or extremely hazardous substance or hazardous material or, in the case of a motor vehicle, rolling stock or aircraft, at which there is a release of a reportable quantity of hazardous substance, extremely hazardous substance or hazardous material.

Section 430.20 Definitions

"Accident" means a release that occurs unintentionally, for example, as a result of malfunctioning equipment or an Act of God.

"CERCLA" means the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. 9601, et seq.).

"Emergency Planning District" means a district designated by the SERC in accordance with Section 301(b) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), Title III (42 U.S.C. 11001(b)).

"Environment" means water, air and land and the interrelationship which exists among and between water, air and land and all living things.

"Etiologic Agent" means disease-causing agent.

"Extremely Hazardous Substance" means any substance listed in Appendix A of 40 CFR 355, dated April 22, 1987. This incorporation does not include any later amendments or editions.

"Evacuation" means the withdrawal of any member of the general public from an area threatened by exposure to a hazardous material.

"Facility" means all buildings, equipment, structures, and other stationary items which are located on a single site or on contiguous or adjacent sites and which are owned or operated by the same person (or by any person which controls, is controlled by, or under common control with, such person). For the purposes of this Part, the term includes motor vehicles, rolling stock and aircraft.

"General Public" means any individual not employed by, or authorized to be within the area under the control of, the person responsible for the hazardous material; the exclusion of employees from this definition applies only during actual hours of employment.

"Hazardous Material" means a substance or material which is designated a hazardous material pursuant to the "Hazardous Materials Transportation Act" (49 U.S.C.A. 1801 et seq.).

"Hazardous Substance" means any substance listed in Table 302.4 of 40 CFR 302, dated July 1, 1987. This incorporation does not include any later amendments or editions.

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"IESDA" means the Illinois Emergency Services and Disaster Agency.

"Incident" means a release that occurs intentionally, for example, as a result of sabotage or a permit violation, or intentionally disposing of hazardous materials in violation of federal or state statutes.

"Local Emergency Agency" means police, fire, civil defense, or any other local government agency or department charged with the responsibility of responding to an accident involving a hazardous material.

"Local Emergency Planning Committee (LEPC)" means the committee appointed by the SERC in accordance with Section 301(c) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), Title III.

"Oil" means oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, oil mixed with wastes other than dredged spoil, and generally including and of a large class of oily, combustible substances which are liquid, or easily liquifiable on warming, and soluble in ether but not in water.

"Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including the abandonment or discharging of barrels, containers, and other closed receptacles). For the purposes of this Part 430, "Release" includes the loss of containment of a reportable hazardous substance which is not wholly contained within a building or structure inside plant or facility boundaries.

"Reportable Quantity" means any hazardous material that equals or exceeds the reportable quantity listed in Appendix A of 40 CFR 355, for any extremely hazardous substance, and that equals or exceeds the reportable quantity listed in Table 302.4 of 40 CFR 302 dated July 1, 1987. This incorporation includes no later amendments or editions.

"Responsible Party" means the individual, partnership, corporation or association in control of any reportable hazardous material or hazardous substance at the time of an accident or incident involving that reportable hazardous substance.

"State Emergency Response Commission (SERC)" means the Illinois Emergency Services and Disaster Agency as appointed by the Governor in accordance with Section 301 of the Superfund Amendments and Reauthorization Act of 1986 (42 U.S.C. 11001 et seq.) to carry out all state responsibilities required by this Act.

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Section 430.30 Emergency Notification of an Incident or Accident Involving a Reportable Hazardous Substance or Material

a) If a release of an extremely hazardous substance or a hazardous substance occurs in a reportable quantity from a facility then the responsible party at that facility shall immediately provide notice as described in subsection (c).

b) If an incident or accident involving a hazardous material occurs which results in any of the occurrences listed in subsections (1)-(6) below, the responsible party at the facility shall immediately provide notice as described in subsection (c)(1).

- 1) a member of the general public is killed;
- 2) a member of the general public receives injuries requiring hospitalization;
- 3) an authorized official of an emergency agency recommends evacuation of an area by the general public;
- 4) a motor vehicle has overturned on a public highway.
- 5) Fire, breakage, release or suspected contamination occurs involving an etiologic agent.
- 6) Any release of oil which meets the reporting requirements in the U.S. Environmental Protection Agency regulations 40 CFR 110.

This incorporation does not include any later amendments or editions.

c) Notice Procedures

1) Notice required under subsections (a) and (b) shall be given immediately by the responsible party to the IESDA (which is the SERC) by calling 1-800-782-7860 or 1-217-782-7860;

2) Notice required under subsection (a) shall also be given immediately via the telephone, radio, or in person by the responsible party to the community emergency coordinator for the local emergency planning committee for any area likely to be affected by the release. If there is no local emergency planning committee, notification shall be given to relevant local emergency response personnel. Notice shall also be given to the SERC for any other State likely to be affected by the release. Telephone numbers for LEPCs and other SERCs may be obtained from the Illinois SERC (524-6887 or 782-4694).

3) A responsible party of a facility from which there is a transportation-related release may meet the requirements of subsection (a) by providing the information required in Section 430.40 to the 911 operator, or in the absence of a 911 emergency telephone number, to the operator.

Section 430.40 Contents of Notice

Notice required under Section 430.30 shall include, as a minimum, each of the following to the extent that it is known at the time of notice and provided that it causes no delay in responding to the emergency:

- a) the chemical name or identity of any substance involved in the

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release;

- b) an indication of whether the substance is on the list of extremely hazardous substances;
- c) an estimate of the quantity in pounds of any such substance that was released into the environment;
- d) the time and duration of the release;
- e) specific location of the release;
- f) the medium or media (air, water, land) into which the release occurred;
- g) proper precautions to take as a result of the release, including evacuation (unless such information is readily available to the community emergency coordinator pursuant to the emergency plan);
- h) any known or anticipated acute or chronic health risks or public safety risks associated with the emergency and, where appropriate, advice regarding medical attention necessary for exposed individuals;
- i) name of the reporter and phone number where the reporter may be contacted, as well as the name and telephone numbers of persons or persons to be contacted for further information.

Section 430.50 Notification Responsibility to Agencies other than the SERC, IESDA, the LEPC and the Local Emergency Agency

- a) If notification of an incident or accident that may involve the support of any state agency is filed with IESDA or the SERC, pursuant to Sections 430.30 and 430.40 of this Part, no additional telephone notification to a state agency is otherwise required under regulations of the Illinois Pollution Control Board, Illinois Environmental Protection Agency, Illinois Department of Nuclear Safety, Illinois Department of Mines and Minerals, Illinois Commerce Commission, State Fire Marshal, Illinois Department of Transportation, Illinois Department of Law Enforcement, Illinois Department of Agriculture or Illinois Department of Public Health; it shall be the responsibility of the IESDA to notify state agencies having jurisdiction pursuant to IESDA Standard Operating Procedures.
- b) Notification to IESDA, the SERC or the LEPC under this Part does not satisfy any requirements to provide telephone notification of a hazardous material incident or accident to federal or local emergency agencies.
- c) Notification to IESDA, the SERC or the LEPC under this Part does not satisfy additional requirements to provide subsequent written notification, reports or other data as may be required by law, rule, regulation, license or permit.

Section 430.60 Exempted Releases

Emergency release notification does not apply to the following:

- a) any release which results in exposure to persons solely within the site or sites on which a facility is located,
- b) any release which is a "federally permitted release" as defined in

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- c) any release exempt from CERCLA Section 103(a) reporting under Section 101(22) of CERCLA,
- d) the normal application of fertilizer.

Section 430.70 Follow-up Emergency Notice

As soon as practicable after a release which requires notice under Section 430.30(a), the responsible persons shall provide a written follow-up emergency notice (or notices, as more information becomes available) to IESDA updating the information required under Section 430.40, and including additional information with respect to the following:

- a) actions taken to respond to and contain the release;
- b) any known or anticipated acute or chronic health risks associated with the release, and
- c) where appropriate, advice regarding medical attention necessary for exposed individuals.

Section 430.80 Enforcement

- a) The IESDA shall have authority to investigate any violation of Section 430.30(a) and (c), Section 430.50, Section 430.60 and Section 430.70. Any enforcement or civil action required under this Part shall be carried out pursuant to "AN ACT to require labeling of equipment and facilities for the use, transportation, storage and manufacture of hazardous materials and to provide for a uniform response system to hazardous materials emergencies" (Ill. Rev. Stat. 1987, ch. 127, pars. 1251 et seq.) and Title III of the Superfund Amendments and Reauthorization Act of 1986 (42 U.S.C. 11001 et seq.).
- b) It shall be the sole responsibility of any State agency pursuant to their statutory responsibilities to investigate violations of Section 430.30(b) and to initiate enforcement action pursuant to their statutory authority and this rule.

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NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Telephone Notification of Hazardous Incidents
- 2) Code Citation: 29 Ill. Adm. Code 430

<u>Section Numbers:</u>	<u>Adopted Action:</u>
430.10	Repeal
430.20	Repeal
430.30	Repeal
430.40	Repeal
430.50	Repeal
430.60	Repeal
430.70	Repeal

- 4) Statutory Authority: Implementing and authorized by "An Act to require labeling of equipment and facilities for the use, transportation, storage and manufacture of hazardous materials and to provide for a uniform response system to hazardous materials emergencies," approved and effective August 26, 1976 as amended (Ill. Rev. Stat. 1979, ch. 127, pars. 1251 et seq.).

- 5) Effective Date of Rule: February 6, 1989
- 6) Does this Rulemaking Contain an Automatic Repeal Date? No.
- 7) Does this Rule Contain Incorporations by Reference? No.
- 8) Date Filed in Agency's Principle Office:
- 9) Notice of Proposal Published in the Illinois Register: November 4, 1988, 12 Ill. Reg. 17585.
- 10) Has JCAR Issued a Statement of Objectives to this Rule? No.
- 11) Differences Between Proposal and Final Version: N/A
- 12) Have all Changes Agreed Upon by the Agency and JCAR Been Made as Indicated in the Agreement Letter Issued by JCAR? Yes.
- 13) Will this Repealer Replace an Emergency Repealer Currently in Effect? No.
- 14) Are there any Amendments Pending on this Part? No.
- 15) Summary and Purpose of Repealer: To establish the requirements for the telephone notification of the State Emergency Services and Disaster Agency (ESDA) and the local emergency agency of incidents

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which involve a hazardous material. They are designed to ensure that state and local governmental agencies can respond quickly to an incident in order to minimize the impact upon the general public and the environment.

- 16) Information and Questions Regarding this Adopted Repealer shall be Directed to:

Oran S. Robinson, Jr.
Illinois Emergency Services and Disaster Agency
110 East Adams
Springfield, Illinois 62706
Telephone: (217)782-4694

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED RULES

1) Heading of the Part: Foreign and Alien Insurer Annual Audited Financial Reports

2) Code Citation: 50 Ill. Adm. Code 601

3) Section Numbers:

	<u>Adopted Action:</u>
601.10	New Section
601.20	New Section
601.30	New Section
601.40	New Section
601.50	New Section
601.60	New Section
601.70	New Section
601.80	New Section
601.90	New Section
601.100	New Section
601.110	New Section
601.120	New Section
601.130	New Section
601.140	New Section

4) Statutory Authority: Sections 136 and 401 of the Illinois Insurance Code (Ill. Rev. Stat. 1987, ch. 73, pars. 748 and 1013)

5) Effective Date of Rule: February 10, 1989

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rule contain incorporations by reference? No

8) Date filed in Agency's Principal Office? February 10, 1989

9) Notice of Proposal Published in Illinois Register: 7/22/88, 11 Ill. Reg. 11985

10) Has JCAR issued a Statement of Objections to these rules? No

11) Difference between proposal and final versions:

- In Section 601.20, in the definition of "Accountant", the following sentence was added: "For purpose of this Part, "independent" means "not affiliated with an insurer".
- In Section 601.30 the following sentence was added after the

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first sentence: "Examples of 'good cause' include, but are not limited to, loss of key personnel, an Act of God, destruction of documents."

c) In Section 601.80 the phrase "July 8, 1988 (no later amendments or editions)" was added after the phrase "National Association of Insurance Commissioners."

d) In Section 601.120(c) the following sentence was added at the beginning of the Section: "Any decisions of the Director under this Section shall be transmitted in writing to the insurer within thirty (30) days after determination."

e) In Section 601.120(a)(2) was amended to read as follows: "The insurer files audited financial reports on a statutory basis in another state pursuant to such other state's requirements."

f) Section 601.120(a)(3) was deleted.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rule replace an emergency rule currently in effect? Yes

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rule:

This regulation requires that certain foreign and alien insurers have annual financial audits conducted by independent certified public accountants and further requires that the audits be filed with the Director of Insurance. The purpose of the regulation is to improve the Insurance Department's ability to monitor the financial condition of foreign and alien insurers issuing insurance policies in the State of Illinois.

16) Information and questions regarding this adopted rule shall be directed to:

Michele Mazzotti
320 W. Washington
Springfield, Illinois 62767
217-782-4515

The full text of the Adopted Rules begins on the next page.

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TITLE 50: INSURANCE

CHAPTER I: DEPARTMENT OF INSURANCE

SUBCHAPTER 9: FOREIGN OR ALIEN COMPANIES

PART 601

FOREIGN AND ALIEN INSURER ANNUAL AUDITED FINANCIAL REPORTS

Section	Purpose and Scope
601.10	Definitions
601.20	Filing and Extensions for Filing of Annual Audited Financial Reports
601.30	Contents of Annual Audited Financial Report
601.40	Designation of Independent Certified Public Accountant
601.50	Qualifications of Independent Certified Public Accountant
601.60	Consolidated or Combined Audits
601.70	Scope and Examination and Report of Independent Certified Public Accountant
601.80	Notification of Adverse Financial Condition
601.90	Evaluation of Accounting Procedures and System of Internal Control
601.100	Availability and Maintenance of Certified Public Accountant Workpapers
601.110	Exemptions
601.120	Effective Dates
601.130	Severability Provision
601.140	

AUTHORITY: Implementing and authorized by Sections 136 and 401 of the Illinois Insurance Code (Ill. Rev. Stat. 1987, ch. 73, pars. 748 and 1013).

SOURCE: Adopted at 13 Ill. Reg. 2051, effective February 10, 1989.

Section 601.10 Purpose and Scope

The purpose of this Part is to improve the Illinois Insurance Department's ability to monitor the financial condition of foreign and alien insurers by requiring an annual examination by independent certified public accountants of the financial statements reporting the financial condition and the results of operations of insurers. This Part shall apply to foreign and alien insurers except those insurers exempt under Section 601.120 of this Part. This Part shall not prohibit, preclude or in any way limit the Director of Insurance from ordering and/or conducting and/or performing examinations of insurers under the Illinois Insurance Code (Ill. Rev. Stat. 1987, ch. 73, par. 613 et seq.) or 50 Ill. Adm. Code: Chapter I.

Section 601.20 Definitions

"Accountant", "Certified Public Accountant (CPA)" and "Independent Public Accountant" means an independent certified public accountant or accounting firm who has a license to practice issued by the state in

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which he resides or has his principal place of business. For purposes of this Part, "independent" means not affiliated with an insurer.

"Audited Financial Report" means and includes those items specified in Section 601.40 of this Part.

"Director" means the Director of the Illinois Department of Insurance.

"Insurer" means a foreign or alien insurance company as determined by Section 2(g) and (h) of the Illinois Insurance Code (Ill. Rev. Stat. 1987, ch. 73, par. 614 (g) and (h)) with the exception of alien Lloyds companies.

"Workpapers" are the records kept by the independent certified public accountant of the procedures followed, the tests performed, the information and the conclusions reached pertinent to his examination of the financial statements of an insurer. Workpapers, accordingly, may include work programs, analyses, memoranda, letters of confirmation and representation, abstracts of company documents and schedules or commentaries prepared or obtained by the independent certified public accountant in the course of his examination of the financial statements of an insurer and which support his opinion thereon.

Section 601.30 Filing and Extensions for Filing of Annual Audited Financial Reports

- All foreign and alien insurers shall have an annual audit by an independent certified public accountant and shall file an audited financial report with the Director on or before June 30 for the year ended December 31 immediately preceding.
- Extensions of the June 30 filing date may be granted by the Director for thirty day periods upon showing by the insurer and its independent certified public accountant the reasons for requesting such extension and determination by the Director of good cause for an extension. Examples of "good cause" include, but are not limited to, loss of key personnel, an Act of God, destruction of documents. The request for extension must be submitted in writing not less than ten days prior to the due date in sufficient detail to permit the Director to make an informed decision with respect to the requested extension.

Section 601.40 Contents of Annual Audited Financial Report

- The Annual Audited Financial Report shall report the financial condition of the insurer as of the end of the most recent calendar year and the results of its operation, cash flow statement and changes in capital and surplus for the year ended in conformity with statutory accounting practices for preparation of the annual statement as described in Section 136 of the Illinois Insurance Code (Ill. Rev.

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- Stat. 1987, ch. 73, par. 748).
- b) The Annual Audited Financial Report shall include the following:
- 1) Report of independent certified public accountant; and
 - 2) Balance sheet reporting admitted assets, liabilities, capital and surplus; and
 - 3) Statement of gain or loss from operations; and
 - 4) Cash flow statement; and
 - 5) Statement of changes in capital and surplus; and
 - 6) Notes to financial statements. These notes shall include:
 - A) A reconciliation of differences, if any, between the audited statutory financial statements and the Annual Statement filed pursuant to Section 136 of the Illinois Insurance Code with a written description of the nature of these differences; and
 - B) A narrative explanation of all significant inter-company transactions and balances; and
 - 7) The financial statements included in the Audited Financial Report shall be prepared in a form using language and groupings substantially the same as the relevant Sections of the Annual Statement of the insurer filed with the Director.
 - A) The financial statements shall be comparative, presenting the amounts as of December 31 of the current year and the amounts as of the immediately preceding December 31. However, in the first year in which an insurer is required to file an audited financial report, the comparative data may be omitted.
 - B) Amounts may be rounded to the nearest thousand dollars.

Section 601.50 Designation of Independent Certified Public Accountant

- a) Each insurer required by this Part to file an annual Audited Financial Report must within sixty days after becoming subject to such requirement, register with the Director in writing the name and address of the certified public accountant or accounting firm (generally referred to in this Part as the "accountant") retained to conduct the annual audit set forth in this Part. Insurers not retaining an independent certified public accountant on the effective date of this Part shall register the name and address of their retained certified public accountant not less than six months before the date when the first annual audited financial report is to be filed.
- b) The insurer shall obtain a letter from such accountant, and file a copy with the Director stating that the accountant is aware of the provisions of the Illinois Insurance Code and the Regulations of the Insurance Department of the state of domicile that relate to accounting and financial matters and affirming that he will express his opinion on the financial statements in terms of their conformity to the statutory accounting practices prescribed or otherwise permitted by that Department, specifying such exceptions as he may

- c) believe appropriate.
- If an accountant who was not the accountant for the immediately preceding filed Audited Financial Report is engaged to audit the insurer's financial statements, the insurer shall within thirty days of the date the accountant is engaged notify the Department of this event. The insurer shall also furnish the Director with a separate letter stating whether in the twenty-four months preceding such engagement there were any disagreements with the former accountant, on any matter of accounting principles or practices, financial statement disclosure, or auditing scope or procedure, which disagreements, not resolved to the satisfaction of the former accountant, would have caused him to make reference to the subject matter of the disagreement in connection with his opinion. The insurer shall also in writing request such former accountant to furnish a letter addressed to the insurer stating whether the accountant agrees with the statements contained in the insurer's letter and, if not, stating the reasons for which he does not agree; and the insurer shall furnish such responsive letter from the former accountant to the Director together with its own.

Section 601.60 Qualifications of Independent Certified Public Accountant

- a) The Director shall not recognize any person as an independent certified public accountant who does not meet the requirements for the definition of "Accountant" under Section 601.20 of this Part.
- b) The Director of Insurance, as provided in Section 401 of the Illinois Insurance Code (Ill. Rev. Stat. 1987, ch. 73, par. 1013), may, as provided in 50 Ill. Adm. Code 2402, hold a hearing to determine whether a certified public accountant is independent and, considering the evidence presented, may rule that the accountant is not independent for purposes of expressing his opinion on the financial statements in the Annual Audited Financial Report made pursuant to this Part and require the insurer to replace the accountant with another whose relationship with the insurer is independent within the meaning of this Part.

Section 601.70 Consolidated or Combined Audits

- a) The Director may, upon written application, permit any insurer that is a member of an insurance holding company system to file audited consolidated or combined financial statements in lieu of separate annual audited financial statements if the Director in his discretion deems such permission reasonable and appropriate. Consolidated or combined filings will be considered reasonable and appropriate if the Director determines that the audit work performed under a consolidated filing is adequate to ascertain the financial condition of the insurer. If such approval is granted, a columnar consolidating or combining worksheet shall be filed with the report incorporating the following:

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- 1) Amounts shown on the consolidated or combined Audited Financial Report shall be shown on the worksheet.
- 2) Amounts for each insurer subject to this Section shall be stated separately.
- 3) Noninsurance operations may be shown on the worksheet on a combined or individual basis.
- 4) Explanations of consolidating and eliminating entries shall be included.
- 5) A reconciliation shall be included of any differences between the amounts shown in the individual insurer columns of the worksheet and comparable amounts shown on the Annual Statements of the insureds.
- b) The Director shall require any insurer to file separate annual audited financial statements although permission had previously been given to file on a consolidated or a combined basis if the Director determines the reasons and/or circumstances given for approval of the consolidated audit, pursuant to subsection (a), no longer exists.

Section 601.80 Scope and Examination and Report of Independent Certified Public Accountant

Financial statements furnished pursuant to Section 601.40 shall be examined by an independent certified public accountant. The examination of the insurer's financial statements shall be conducted in accordance with generally accepted auditing standards and such other procedures illustrated in the Examiner's Handbook promulgated by the National Association of Insurance Commissioners, July 8, 1988 (no later amendments or editions), as the independent certified public accountant deems necessary.

Section 601.90 Notification of Adverse Financial Condition

- a) The insurer required to furnish the Annual Audited Financial Report shall require the independent certified public accountant to immediately notify in writing an executive officer and all directors of the insurer of any determination by that independent certified public accountant that the insurer has materially misstated its financial condition as reported to the Director as of the balance sheet date currently under examination or that the insurer does not meet the minimum capital and surplus requirements, as set out in Section 111(d) of the Illinois Insurance Code (Ill. Rev. Stat. 1987, ch. 73, par. 723(d)). The insurer shall furnish such notification to the Director within five days of receipt thereof.
- b) If the accountant, subsequent to the date of the Audited Financial Report filed pursuant to this Part, becomes aware of acts which might have affected his report, the Department notes the obligation of the accountant to take such action as prescribed in Volume 1, Section AU 561 of the Professional Standards of the American Institute of Certified Public Accountants as of June 1, 1987, with no later amendments or editions.

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Section 601.100 Evaluation of Accounting Procedures and System of Internal Control

- a) In addition to the Annual Audited Financial Report, each insurer shall furnish the Director with a report of evaluation performed by the accountant, in connection with his examination, of the accounting procedures of the insurer and its system of internal control.
- b) A report of the evaluation by the accountant of the accounting procedures of the insurer and its system of internal control, including any remedial action taken or proposed, shall be filed annually by the insurer with the Department within sixty days after the filing of the Annual Audited Financial Report.
- c) This report shall follow generally the form for Reports on Internal Control Based on Audits described in Volume 1, Section AU 642 of the Professional Standards of the American Institute of Certified Public Accountants as of June 1, 1987, with no later amendments or editions.

Section 601.110 Availability and Maintenance of Certified Public Accountant Workpapers

- a) Every foreign and alien insurer required to file an Audited Financial Report pursuant to this Part shall require the accountant, through the insurer, to make available for review by the Department examiners, the workpapers prepared in the conduct of his examination. The insurer shall require that the accountant retain the audit workpapers for a period of not less than five years after the period reported thereon.
- b) In the conduct of the aforementioned periodic review by the Department examiners, photocopies of pertinent audit workpapers may be made and retained by the Department. Such reviews by the Department examiners shall be considered investigations and all working papers obtained during the course of such investigations shall be confidential.

Section 601.120 Exemptions

- a) Upon written application of an insurer, the Director shall grant an exemption from compliance with this Part if the Director finds upon review of the application, that one or more of the following grounds for exemption exist:
 - 1) The insurer has direct premiums written in Illinois of less than \$250,000 and has less than 500 policyholders in Illinois as of the end of the most recent calendar year. An exemption under this subsection shall not be granted if the Director specifically finds that compliance with this Part is necessary for the Director to carry out his statutory duties.
 - 2) The insurer files audited financial reports on a statutory basis in another state pursuant to such other states' requirements. An exemption based on this subsection shall be granted only if:

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- a) A copy of the Audited Financial Report and the Evaluation of Accounting Procedures and Systems of Internal Control Report which are filed with such other state are filed with the Director in accordance with the filing dates respectively set forth in Sections 601.30 and 601.100 of this Part; and
- b) A copy of any Notification of Adverse Financial Condition Report filed with such other state is filed with the Director within the time specified in Section 601.90 of this Part.
- b) Exemptions from this Part shall not exceed a period of one year. Insurers desiring to continue to be exempt from this Part must reapply for such exemption annually.
- c) Any decision of the Director under this Section shall be transmitted in writing to the insurer within thirty (30) days after determination. If the application for exemption is denied by the Director, the insurer may, within ten (10) days of receipt of written notice of such denial, request in writing a hearing on its application for exemption. Such hearing shall be held in accordance with 50 Ill. Adm. Code 2402.

Section 601.130 Effective Dates

- a) Insurers retaining, on the effective date of this Part, an independent public accountant who had issued an audit report on that insurer for the preceding year, shall comply with this Part for the year ending December 31, 1989, and for each year thereafter.
- b) Insurers not retaining an independent certified public accountant on the effective date of this Part shall meet the following schedule for compliance:
 - 1) As of December 31, 1989, file with the Director:
 - A) Report of independent certified public accountant; and
 - B) Audited balance sheet; and
 - C) Notes to audited balance sheet.
 - 2) For the year ending December 31, 1990, and each year thereafter, such insurers shall file with the Director all reports required by this Part.

Section 601.140 Severability Provision

If any Section or portion of a Section of this Part or the applicability thereof to any person or circumstance is held invalid by a court, the remainder of the Part or the applicability of such provision to other persons or circumstances shall not be affected thereby.

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NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: Effluent Standards
- 2) The Code Citation: 35 Ill. Adm. Code 304
- 3) Section Number: Adopted Action:
304.220 New Section
- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 111 1/2 pars. 1013 and 1027
- 5) Effective Date of Rule(s) (Amendments, Repealer): February 6, 1989
- 6) Does this rulemaking contain an automatic repeal date?:
Yes.
If so, please specify date: January 1, 1992
- 7) Does this rule (amendment, repealer) contain incorporations by reference? No.
If "yes," was a copy of the approval form issued by JCAR attached to this rulemaking?
- 8) Date Filed in Agency's Principal Office: February 2, 1989
- 9) Notice(s) of Proposal Published in Illinois Register: 12 Ill. Reg. 11397, July 8, 1988.
- 10) Has JCAR issued a Statement of Objections to this (these) Rule(s)? If answer is "yes," please complete the following: No.
 - A) Statement of Objection: , Ill. Reg. .
 - B) Agency Response: , Ill. Reg. .
 - C) Date Agency Response Submitted for Approval to JCAR:
- 11) Difference(s) between proposal and final version: Changes between the proposal and the final version are indicated by legislative style.

Section 304.220:

This Section applies to the potable drinking water treatment plant owned by Illinois-American Water Company (Company) which is located at East St. Louis, and which discharges into the Mississippi River. The discharges of the plant shall not be subject to the effluent standards for total suspended solids and total iron of Section 304.124, provided

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

that the Illinois American Water Company uses only biodegradable coagulants listed approved by the United States Environmental Protection Agency pursuant to Section 1442(a) and (b)(1) of the Safe Drinking Water Act (42 U.S.C. 300j-1(a) and (b)(1)) as acceptable drinking water additives. The Company, in consultation with the Illinois Environmental Protection Agency, shall conduct a comprehensive study of the effects of the use of those coagulants on the receiving stream, including but not limited to information on the toxicity of the discharge, both to humans and to fish; the concentration of the coagulants in the discharge as compared with the raw water application rate of the coagulants; and the rate and chemical pathway for degradation of the coagulants. This Section will expire on January 1, 1992.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.

13) Will this rule (amendments, repealer) replace an emergency rule currently in effect? No.

14) Are there any amendments pending on this Part? Yes.

Section Number	Proposed Action:	Ill. Reg. Citation:
304.104	Amend	12 Ill. Reg. 15815 (Oct. 7, 1988)
304.120	Amend	12 Ill. Reg. 18092 (Nov. 14, 1988)
304.123	Amend	12 Ill. Reg. 7476 (April 29, 1988)
304.124	Amend	12 Ill. Reg. 15815 (Oct. 7, 1988)
304.140	Repeal	12 Ill. Reg. 15815 (Oct. 7, 1988)
304.217	New Section	12 Ill. Reg. 8531 (May 20, 1988)
304.218	New Section	12 Ill. Reg. 8822 (May 27, 1988)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

304.301 Amend 12 Ill. Reg. 14509 (Sept. 16, 1988)

15) Summary and Purpose of Rule(s):

The addition exempts the East St. Louis Water treatment plant owned by Illinois-American Water Company from the effluent limitations for total suspended solids and total iron of 35 Ill. Adm. Code 304.124, provided that the Water Company use only biodegradable coagulants. The proposal is explained in detail in the Board's February 2, 1989 Opinion in R85-11, available upon request of the Clerk of the Board.

16) Information and questions regarding this adopted rule shall be directed to:

Elizabeth S. Harvey
100 W. Randolph Street
State of Illinois Center
Suite 11-500
Chicago, IL 60601
(312) 917-6921

The full text of the adopted rule(s) begins on the following page:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE C: WATER POLLUTION

CHAPTER I: POLLUTION CONTROL BOARD

PART 304

EFFLUENT STANDARDS

SUBPART A: GENERAL EFFLUENT STANDARDS

Section
304.101
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Preamble
Dilution
Background Concentrations
Averaging
Violation of Water Quality Standards
Offensive Discharges
Deoxygenating Wastes
Bacteria
Nitrogen (STORET number 00610)
Phosphorus (STORET number 00665)
Additional Contaminants
pH
Mercury
Delays in Upgrading
NPDES Effluent Standards
New Source Performance Standards (Repealed)

SUBPART B: SITE SPECIFIC RULES AND EXCEPTIONS

NOT OF GENERAL APPLICABILITY

Section
304.201
304.202
304.203
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Wastewater Treatment Plant Discharges of the
Metropolitan Sanitary District of Greater Chicago
Chlor-alkali Mercury Discharges in St. Clair County
Copper Discharges by Olin Corporation
Schoenberger Creek: Groundwater Discharges
John Deere Foundry Discharges
Alton Water Company Treatment Plant Discharges
Galesburg Sanitary District Deoxygenating Wastes
Discharges
City of Lockport Treatment Plant Discharges
Wood River Station Total Suspended Solids
Discharges
Alton Wastewater Treatment Plant Discharges
Sanitary District of Decatur Discharges
Union Oil Refinery Ammonia Discharge
Mobil Oil Refinery Ammonia Discharge
City of Tuscola Wastewater Treatment Facility
Discharges

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304.216 Newton Station Suspended Solids Discharges
304.219 North Shore Sanitary District Phosphorus Discharges
304.220 East St. Louis Treatment Facility, Illinois-
American Water Company

SUBPART C: TEMPORARY EFFLUENT STANDARDS

Section
304.301
304.302

Exception for Ammonia Nitrogen Water Quality
Violations
City of Joliet East Side Wastewater Treatment Plant

Appendix A References to Previous Rules

AUTHORITY: Implementing Section 13 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111-1/2, pars 1013 and 1027).

SOURCE: Filed with the Secretary of State January 1, 1978; amended at 2 Ill. Reg. 30, p. 343, effective July 27, 1978; amended at 2 Ill. Reg. 44, p. 151, effective November 2, 1978; amended at 3 Ill. Reg. 20 p. 95, effective May 17, 1979; amended at 3 Ill. Reg. 25 p. 190, effective June 21, 1979; amended at 4 Ill. Reg. 20, p. 53, effective May 7, 1980; amended at 6 Ill. Reg. 563, effective December 24, 1981; codified at 6 Ill. Reg. 7818, amended at 6 Ill. Reg. 13750, effective October 26, 1982; amended at 7 Ill. Reg. 3020, effective March 4, 1983; amended at 7 Ill. Reg. 8111, effective June 23, 1983; amended at 7 Ill. Reg. 14910, effective October 14, 1983; amended at 8 Ill. Reg. 1600, effective November 14, 1983; amended at 8 Ill. Reg. 3687, effective January 18, 1984; amended at 8 Ill. Reg. 3687, effective March 14, 1984; amended at 8 Ill. Reg. 8237, effective June 8, 1984; amended at 9 Ill. Reg. 1379, effective January 21, 1985; amended at 9 Ill. Reg. 4510, effective March 22, 1985; peremptory amendment at 10 Ill. Reg. 456, effective December 23, 1985; amended at 11 Ill. Reg. 3117, effective January 28, 1987; amended in R84-13 at 11 Ill. Reg. 7291, effective April 3, 1987; amended in R86-17(A) at 11 Ill. Reg. 14748, effective August 24, 1987; amended in R84-16 at 12 Ill. Reg. 2445, effective January 15, 1988; amended in R83-23 at 12 Ill. Reg. 8658, effective May 10, 1988; amended in R87-27 at 12 Ill. Reg. 9905, effective May 27, 1988; amended in R82-7 at 12 Ill. Reg. 10712, effective June 9, 1988; amended in R85-29 at 12 Ill. Reg. 12064, effective July 12, 1988; amended in R87-22 at 12 Ill. Reg. 13966, effective August 23, 1988; amended in R86-3 at 12 Ill. Reg. 20126, effective November 16, 1988; amended in R84-20 at 13 Ill.

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Reg. 851, effective January 9, 1989; amended in R85-11 at 13 Ill. Reg. 2060, effective February 6, 1989.

NOTE: Capitalization denotes statutory language.

SUBPART B: SITE SPECIFIC RULES AND EXCEPTIONS
NOT OF GENERAL APPLICABILITY

Section 304.220 East St. Louis Treatment Facility,
Illinois-American Water Company

This Section applies to the potable drinking water treatment plant owned by Illinois-American Water Company (Company) which is located at East St. Louis, and which discharges into the Mississippi River. The discharges of the plant shall not be subject to the effluent standards for total suspended solids and total iron of Section 304.124, provided that the Company uses only biodegradable coagulants approved by the United States Environmental Protection Agency pursuant to Section 1442(a) and (b)(1) of the Safe Drinking Water Act (42 U.S.C. 300j-1(a) and (b)(1) as acceptable drinking water additives. The Company, in consultation with the Illinois Environmental Protection Agency, shall conduct a comprehensive study of the effects of the use of those coagulants on the receiving stream, including but not limited to information on the toxicity of the discharge, both to humans and to fish; the concentration of the coagulants in the discharge as compared with the raw water application rate of the coagulants and the rate and chemical pathway for degradation of the coagulants. This Section will expire on January 1, 1992.

(Source: Added at 13 Ill. Reg. 2060, effective February 6, 1989.)

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NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: Permits and General Provisions
- 2) The Code Citation: 35 Ill. Adm. Code 201
- 3) Section Number:

201.281	<u>Adopted Action:</u>
201.401	Amend
201.402	Add
201.403	Add
201.404	Add
201.405	Add
201.406	Add
201.407	Add
201.408	Add
- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 111½ pars. 1010 and 1027
- 5) Effective Date of Rule(s) (Amendments, Repealer): February 3, 1989
- 6) Does this rulemaking contain an automatic repeal date?: No.
If so, please specify date: _____
- 7) Does this rule (amendment, repealer) contain incorporations by Reference? Yes.
If "yes," was a copy of the approval form issued by JCAR attached to this rulemaking?
Yes. These incorporations by reference are pursuant to Section 6.02(a) of the Illinois Administrative Procedures Act and therefore do not require JCAR approval.
- 8) Date Filed in Agency's Principal Office: December 15, 1988.
- 9) Notice(s) of Proposal Published in Illinois Register: 12 Ill. Reg. 5154, March 18, 1988.
- 10) Has JCAR issued a Statement of Objections to this (these) Rule(s)? If answer is "yes," please complete the following: Yes.
 - A) Statement of Objection: November 15, 1988, 12 Ill. Reg. 20221
 - B) Agency Response: February 3, 1989, 13 Ill. Reg. 1624.
 - C) Date Agency Response Submitted for Approval to JCAR: January 10, 1989.

POLLUTION CONTROL BOARD

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11) Difference(s) between proposal and final version:

201.401(a)(1): The final rule adds ".... through the use of annual production data and equipment rating information representative of the facility's operations" immediately following the word Agency.

201.401(a)(1)(A)(ii): The final rule replaces "applicable regulations" with ".... the limitations applicable to that source"

201.401(a)(1)(B)(ii): The final rule places ".... pursuant to Section 107 of the Clean Air Act (42 USC 7407)" immediately following the word 'determined'.

201.401(a)(1)(B)(iii): The final rule places the following immediately after "compliance tests": ".... performed pursuant to 35 Ill. Adm. Code 230.Appendix A or in regulations adopted by the U.S. Environmental Protection Agency under Section 111 of the Clean Air Act and made applicable in Illinois pursuant to Section 9.1 of the Illinois Environmental Protection Act"

And replaces the language "applicable emission standards." with ".... emission standards applicable to that source."

201.401(a)(1)(C): The final rule spells 'Btu' correctly.

201.401(a)(1)(D): The final rule contains the following language immediately after the word "required": "pursuant to 35 Ill. Adm. Code 230.Appendix A or in regulations adopted by the U.S. Environmental Protection Agency under Section 111 of the Clean Air Act and made applicable in Illinois pursuant to Section 9.1 of the Illinois Environmental Protection Act, or 40 CFR 51, Appendix.P (This incorporation includes no later amendments or editions.)".

201.401(a)(3): The final rule contains the word "of" (rather than 'or') in the first line. And inserts ".... pursuant to Section 107 of the Clean Air Act...." immediately following the word determined.

201.401(b): The final rule replaces "1983" with the following: ".... (1987); this incorporation includes no later amendments or editions...."

201.402: The final rule inserts the word "location" immediately following "installation".

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201.402(c): The final rule contains the following language immediately after the word "provided": ".... in that the cost of monitoring would exceed the norm for similar sources and those costs would have a significant adverse effect on the profitability of the operations."

201.403(a): The final rule inserts the following immediately after the word "standard": ".... adopted by USEPA pursuant to Section 111 of the Clean Air Act and made applicable in Illinois pursuant to Section 9.1 of the Act; or."; and also deletes the language "promulgated in 40 CFR 60 (1985); or" from the final rule.

201.403(b): The final rule inserts the word "generally" before "applicable emission limitation" in the first line.

201.404: The final rule inserts the following language immediately after ".... and is being repaired as expeditiously as....": ".... practical. This demonstration may include, but is not limited to, evidence that the device has been properly calibrated and maintained, adequate spare parts are on hand, and trained technicians are available to make repairs."

201.405(a)(7): The final rule inserts the following language immediately after "information" in the first line: ".... including but not limited to, monitor location, monitor maintenance records and source operating hours,"

201.405(b): The final rule includes the language "applicable to the source" immediately following the word "limitation" in the first sentence.

201.406(a): The final rule replaces language of the proposal. The final rule reads as follows: "The procedures specified in 35 Ill. Adm. Code 230 or in regulations adopted by the U.S. Environmental Protection Agency under Section 111 of the Clean Air Act and made applicable in Illinois pursuant to Section 9.1 of the Illinois Environmental Protection Act; or where necessary."

201.406(c): The final rule inserts the following language after the word "including": "but not limited to, instrument accuracy tests."

201.408: The final rule inserts the language ".... pursuant to Section 110(a)(3)(A) of the Clean Air Act" immediately following the word "USEPA".

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.

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13) Will this rule (amendments, repealer) replace an emergency rule currently in effect? No.

14) Are there any amendments pending on this Part? No.

Section Numbers: Proposed Action: Ill. Reg. Citation:

15) Summary and Purpose of Rule(s): The rule will require self monitoring of designated air pollutants by some of the largest industries in Illinois; and will also settle a federal lawsuit.

16) Information and questions regarding this adopted rule shall be directed to:

Daniel L. Siegfried
100 W. Randolph Street
State of Illinois Center
Suite 11-500
Chicago, IL 60601
(312) 917-6923

The full text of the adopted rule(s) begins on the following page:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE B: AIR POLLUTION

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER a: PERMITS AND GENERAL PROVISIONS

PART 201

PERMITS AND GENERAL PROVISIONS

SUBPART A: DEFINITIONS

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201.101
201.102
201.103
201.104

Other Definitions
Definitions
Abbreviations and Units
Incorporations by Reference

SUBPART B: GENERAL PROVISIONS

Section
201.121
201.122
201.123
201.124
201.125
201.126

Existence of Permit No Defense
Proof of Emissions
Burden of Persuasion Regarding Exceptions
Annual Report
Severability
Repealer

SUBPART C: PROHIBITIONS

Section
201.141
201.142
201.143
201.144
201.146
201.147
201.148
201.149
201.150
201.151

Prohibition of Air Pollution
Construction Permit Required
Operating Permits for New Sources
Operating Permits for Existing Sources
Exemptions from Permit Requirement
Former Permits
Operation Without Compliance Program and Project Completion Schedule
Operation During Malfunction, Breakdown or Startups
Circumvention
Design of Effluent Exhaust Systems

SUBPART D: PERMIT APPLICATIONS
AND REVIEW PROCESS

Section
201.152
201.153
201.154

Contents of Application for Construction Permit
Incomplete Applications
Signatures

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201.155 Standards for Issuance
 201.156 Conditions
 201.157 Contents of Application for Operating Permit
 201.158 Incomplete Applications
 201.159 Signatures
 201.160 Standards for Issuance
 201.161 Conditions
 201.162 Duration
 201.163 Joint Construction and Operating Permits
 201.164 Design Criteria
 201.165 Hearings

SUBPART F: RENEWAL, REVOCATION, REVISION
AND APPEAL

Section
 201.207 Revocation
 201.209 Revisions to Permits
 201.210 Appeals from Conditions

SUBPART H: COMPLIANCE PROGRAMS AND
PROJECT COMPLETION SCHEDULES

Section
 201.241 Contents of Compliance Program
 201.242 Contents of Project Completion Schedule
 201.243 Standards for Approval
 201.244 Revisions
 201.245 Effects of Approval
 201.246 Records and Reports
 201.247 Submission and Approval Dates

SUBPART I: MALFUNCTIONS, BREAKDOWNS OR STARTUPS

Section
 201.261 Contents of Request for Permission to Operate
 201.262 During a Malfunction, Breakdown or Startup
 201.263 Standards for Granting Permission to Operate
 201.264 During a Malfunction, Breakdown or Startup
 201.265 Records and Reports
 201.266 Continued Operation or Startup Prior to Granting
 201.267 of Operating Permit
 201.268 Effect of Granting of Permission to Operate
 201.269 During a Malfunction, Breakdown or Startup

SUBPART J: MONITORING AND TESTING

Permit Monitoring Equipment Requirements

Section
 201.281

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201.282 Testing
 201.283 Records and Reports
 SUBPART K: RECORDS AND REPORTS

Section
 201.301 Records
 201.302 Reports

SUBPART L: CONTINUOUS MONITORING

Section
 201.401 Continuous Monitoring Requirements
 201.402 Alternative Monitoring
 201.403 Exempt Sources
 201.404 Monitoring System Malfunction
 201.405 Excess Emission Reporting
 201.406 Data Reduction
 201.407 Retention of Information
 201.408 Compliance Schedules

Appendix A Rule Into Section Table
 Appendix B Section Into Rule Table
 Appendix C Past Compliance Dates

AUTHORITY: Implementing Section 10 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 $\frac{1}{2}$, pars. 1010 and 1027)

SOURCE: Adopted as Chapter 2: Air Pollution, Part I: General Provisions, in R71-23, 4 PCB 191, filed and effective April 14, 1972; amended in R78-3 and 4, 35 PCB 75 and 243, at 3 Ill. Reg. 30, p. 124, effective July 28, 1979; amended in R80-5, at 7 Ill. Reg. 1244, effective January 21, 1983; codified at 7 Ill. Reg. 13579; amended in R82-1 (Docket A) at 10 Ill. Reg. 12628, effective July 7, 1986; amended in R87-38 at 13 Ill. Reg. 2066, effective February 3, 1989.

SUBPART J: MONITORING AND TESTING

Section 201.281 Permit Monitoring Equipment Requirements

a) Except as otherwise provided at Subpart L of this Part, every emission source or air pollution control equipment shall be equipped with such monitoring instruments as may be required in a procedures adopted by the Agency or as a condition to a permit issued by the Agency. Such procedures and formats and

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revisions thereto, shall not become effective until filed with the Secretary of State as required by the APA. The Agency permit may require that such monitoring instruments be continuous or intermittent. Such monitoring instruments shall be installed, maintained and operated at the expense of the owner or operator of the emission source or air pollution control equipment. A permit condition to monitor is appealable to the Board pursuant to Section 40 of the Act.

- b) Before adopting or making substantive changes in any such procedures adopted by the Agency, the Agency shall:
- 1) Publish a summary of the proposed changes in the Board Newsletter or a comparable publication at the Agency's expense; and
 - 2) Provide a copy of the full text of the proposed changes to any person who in writing so requests; and
 - 3) Defer adoption of the changes for 45 days from the date of publication to allow submission and consideration of written comments on the proposed changes.

(SOURCE: Amended at 13 Ill. Reg. 2066 effective Feb. 3, 1989)

SUBPART L: CONTINUOUS MONITORING

Section 201.401 Continuous Monitoring Requirements

- a) Except as otherwise provided at Section 201.402 and Section 201.403, the owners and operators of the following emission sources shall install, operate, calibrate and maintain continuous monitoring equipment for the indicated pollutants.
 - 1) Fossil fuel-fired steam generators with an annual average capacity factor greater than 30%, as reported to the Federal Power Commission for calendar year 1974, or as otherwise demonstrated to the Agency through the use of annual production data and equipment rating information representative of the facility's operations, shall monitor for:

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A) Opacity, when the steam generator is greater than 250 million Btu per hour heat input unless:

- i) Gas is the only fuel burned; or
- ii) Oil or a mixture of gas and oil are the only fuels burned and the source can comply with the limitations applicable to that source for particulate matter and opacity without use of collection equipment for particulate matter and the source has never been found to be in violation of an applicable visible or particulate emission standard through any administrative or judicial proceedings.

B) Nitrogen oxides, when:

- i) The steam generator is greater than 1000 million Btu per hour heat input;
- ii) The facility is located in an Air Quality Control Region where the Administrator, U.S. Environmental Protection Agency, has specifically determined pursuant to Section 107 of the Clean Air Act (42 U.S.C. 7407) that a control strategy for nitrogen dioxide is necessary to attain the national standards; and

iii) The owner or operator has not demonstrated during compliance tests performed pursuant to 35 Ill. Adm. Code 230. Appendix A or in regulations adopted by the U.S. Environmental Protection Agency under Section 111 of the Clean Air Act and made applicable in Illinois pursuant to Section 9.1 of the Illinois Environmental Protection Act that the source emits nitrogen oxides at levels less than 30% or more below the emissions standards applicable to that source.

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C) Sulfur dioxide, when the steam generator is greater than 250 million Btu per hour heat input and which has installed and operates sulfur dioxide pollution control equipment.

D) Percent oxygen or carbon dioxide, when measurements of oxygen or carbon dioxide in the flue gas are required pursuant to 35 Ill. Adm. Code 230. Appendix A or in regulations adopted by the U.S. Environmental Protection Agency under Section 111 of the Clean Air Act and made applicable in Illinois pursuant to Section 9.1 of the Illinois Environmental Protection Act, or 40 CFR 51, Appendix P (This incorporation includes no later amendments or editions.) to convert sulfur dioxide or nitrogen oxide continuous emissions data to units of the applicable emission standard applicable to that source.

2) Sulfuric acid plants of greater than 300 tons per day production capacity, the production being expressed as 100 percent acid, shall monitor for sulfur dioxide at each point of sulfur dioxide emission.

3) Nitric acid plants of greater than 300 tons per day production capacity, the production capacity being expressed as 100 percent acid, located in an Air Quality Control Region where the Administrator, U.S. Environmental Protection Agency, has specifically determined pursuant to Section 107 of the Clean Air Act that a control strategy for nitrogen dioxide is necessary to attain the national standard, shall monitor for nitrogen oxides at each point of nitrogen oxide emission.

4) Petroleum refineries shall monitor for opacity at each catalyst regenerator for fluid bed catalytic cracking units of greater than 20,000 barrels per day fresh feed capacity.

b) Except for sources permitted to use alternative monitoring pursuant to Section 201.402, compliance with the Illinois emissions limitations by the owners and operators of emission sources required to monitor

continuously shall be determined by the use of equipment which meets the performance specifications set forth in paragraphs 3.1 through 3.8 of 40 CFR 51, Appendix P (1987) (this incorporation includes no later amendments or editions), and relevant portions of 35 Ill. Adm. Code 230. Appendix A and B.

(SOURCE: Added at 13 Ill. Reg. 2066 effective Feb. 3, 1989)

Section 201.402 Alternative Monitoring

Alternative monitoring requirements for sources subject to Section 201.401(a) shall be prescribed by permit upon a demonstration by the owner or operator that continuous monitoring is technically unreasonable or infeasible due to physical plant limitations or would impose an extreme economic burden. It shall be demonstrated that the installation, location or operation of a continuous monitoring system or device:

- a) Would not provide accurate determinations of nitrogen dioxide, sulfur dioxide, carbon dioxide, percent oxygen, or opacity; or
- b) Cannot be installed due to the facility's physical constraints such as size, space or strength of materials, or due to safety considerations; or
- c) Would impose an extreme economic burden in proportion to the significance of the monitoring information which would be provided, in that the cost of monitoring would exceed the norm for similar sources and those costs would have a significant adverse effect on the profitability of the operations.

(SOURCE: Added at 13 Ill. Reg. 2066 effective Feb. 3, 1989)

Section 201.403 Exempt Sources

The following emission sources are exempt from the requirements of this Subpart:

- a) Any source subject to monitoring requirements which are part of a new source performance standard adopted by USEPA pursuant to Section 111 of the Clean Air Act and made applicable in Illinois pursuant to Section 9.1 of the Act; or

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- b) Any source not subject to either the generally applicable emission limitation established pursuant to the Act or Board regulation or an alternative, adjusted or site specific standard approved by the Board.

(SOURCE: Added at 13 Ill. Reg. 2066 effective Feb. 3, 1989)

Section 201.404 Monitoring System Malfunction

The monitoring and recording requirements of this Subpart shall not be applicable during any period of a monitoring system or device malfunction if demonstrated by the owner or operator of the source that the malfunction was unavoidable and is being repaired as expeditiously as practicable. This demonstration may include, but is not limited to, evidence that the device has been properly calibrated and maintained, adequate spare parts are on hand, and trained technicians are available to make repairs.

(SOURCE: Added at 13 Ill. Reg. 2066 effective Feb. 3, 1989)

Section 201.405 Excess Emission Reporting

Owners and operators of sources subject to the continuous monitoring requirements of this Subpart shall report the following information:

- a) For periods of emissions in excess of any emission limitation adopted by the Board:
 - 1) The starting date and time of the excess emissions;
 - 2) The duration of the excess emissions;
 - 3) The magnitude of excess emissions;
 - 4) The cause of the excess emissions, if known;
 - 5) Corrective actions and actions taken to lessen the emissions;
 - 6) The operating status of the monitoring system, including the dates and times of any periods during which it was inoperative; and

- 7 Other information, including but not limited to, monitor location, monitor maintenance records and source operating hours, which the Agency may require by permit.

b) For gaseous sulfur dioxide, percent oxygen, or carbon dioxide measurements, the averaging period used for data reporting shall correspond to the averaging period used to determine compliance with the applicable emission limitation applicable to the source. The report shall consist of emission averages in the units of the applicable limitation for each averaging period during which the limitation was exceeded.

c) For opacity measurements, the report shall be based on six minute averages of opacity and contain

- 1) The percent opacity for each continuous opacity excess period; and

- 2) The start and stop time in six minute increments of any opacity measurements in excess of the limitation.

d) If there were no excess emissions during the reporting period, the report shall so state and include information about the operating status of the monitoring equipment during that period.

- e) Reports shall be submitted within 45 days of the end of every calendar quarter.

(SOURCE: Added at 13 Ill. Reg. 2066 effective Feb. 3, 1989)

Section 201.406 Data Reduction

To convert monitoring data to the units of the emission limitation, owners and operators of sources subject to this Subpart shall use:

- a) The procedures specified in 35 Ill. Adm. code 230 or in regulations adopted by the U.S. Environmental Protection Agency under Section 111 of the Clean air Act and made applicable in Illinois pursuant to Section 9.1 of the Illinois Environmental Protection Act; or where necessary

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- b) The procedures specified in 40 CFR 51, Appendix P, paragraph 5 (1987). This incorporation includes no later amendments or editions; or
- c) Alternative measurement and data reduction methods may be utilized if demonstrated by the owner or operator of the affected source by means including, but not limited to, instrument accuracy tests that such alternative methods will provide information equivalent to the information which would be provided by the above methods.

SOURCE: Added at 13 Ill. Reg. 2066 effective Feb. 3, 1989.)

Section 201.407 Retention of Information

Owners and operators of sources which are subject to the monitoring and recording requirements of this Subpart shall maintain files of emission information at the facility and make the information available to the Agency upon request. This information shall be retained for at least two years from the date of collection, and shall include:

- a) Emission measurements;
- b) Continuous monitoring system performance testing measurements;
- c) Performance evaluations;
- d) Calibration checks;
- e) Maintenance and adjustments performed;
- f) Quarterly reports submitted pursuant to Section 201.405; and
- g) Data reduction information used pursuant to Section 201.406.

(SOURCE: Added at 13 Ill. Reg. 2066 effective Feb. 3, 1989.)

Section 201.408 Compliance Schedules

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Owners and operators of sources subject to Section 201.401 shall install all necessary equipment and monitor in accordance with the compliance schedule contained in the permit issued by the Agency. This schedule shall provide that monitoring and recording begin within 18 months of this Subpart being approved by the USEPA pursuant to Section 110(a)(3)(A) of the Clean Air Act as a revision to the State Implementation Plan, unless the owner or operator has been granted a variance pursuant to Section 35(a) of the Act allowing a longer compliance schedule.

(SOURCE: Added at 13 Ill. Reg. 2066 effective Feb. 3, 1989.)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

- 1) The Heading of the Part: MEDICAL ASSISTANCE PROGRAMS
- 2) Code Citation: 89 Ill. Adm. Code 120
- 3) Section Number: Adopted Action:
120.40 Amendment
- 4) Statutory Authority: Sections 5-2 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, pars. 5-2 and 12-13)
- 5) Effective Date of Amendment: February 3, 1989
- 6) Does this rulemaking contain an automatic repeal date?
Yes ☐ No ☒
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: February 3, 1989
- 9) Notice of Proposal Published in Illinois Register:
November 4, 1988 (12 Ill. Reg. 17633)
- 10) Has JCAR issued a Statement of Objections to this rule? No
- 11) Differences between proposal and final version: No changes were made to the rule.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this amendment replace an emergency amendment currently in effect? No

14) Are there any amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
120.1	New Section	December 16, 1988 (12 Ill. Reg. 20705)
120.10	Amendment	March 4, 1988 (12 Ill. Reg. 4463)

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<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
120.60	Amendment	March 4 1988 (12 Ill. Reg. 4463)

15) Summary and Purpose of Amendment: This rulemaking provides that spouses sharing a room in a long term care facility shall be considered as residing together if that is to their advantage for purposes of eligibility.

16) Information and questions regarding this Adopted Amendment shall be directed to:

Name: Dan Leikvold, Staff Attorney
Office of the General Counsel

Address: Illinois Department of Public Aid
Jesse B. Harris II Building
100 South Grand Avenue East, 3rd Floor
Springfield, Illinois 62762

Telephone: (217) 782-1233

The full text of the Adopted Amendment begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 120

MEDICAL ASSISTANCE PROGRAMS

SUBPART B: ASSISTANCE STANDARDS

Section
120.10 Eligibility For Medical Assistance
120.11 Eligibility For Medical Assistance For Pregnant Women and Infants Under Age One Year Who Do Not Qualify As Mandatory Categorically Needy
120.20 MANG(AABD) Income Standard
120.30 MANG(C) Income Standard
120.31 MANG(P) Income Standard
120.40 Exceptions To Use Of MANG Income Standard
120.50 AMI Income Standard

SUBPART C: FINANCIAL ELIGIBILITY DETERMINATION

Section
120.60 All Cases Other Than Intermediate Care, Skilled Nursing Care, DMHDD, DMHDD Approved Community Based Settings and Pregnant Women and Infants Under Age One Year Who Do Not Qualify As Mandatory Categorically Needy
120.61 Cases in Intermediate Care, Skilled Nursing Care and DMHDD - MANG(AABD) and MANG(C)
120.62 Department of Mental Health and Developmental Disabilities (DMHDD) Approved Home and Community Based Residential Settings Under 89 Ill. Adm. Code 140.643
120.63 Department of Mental Health and Developmental Disabilities (DMHDD) Approved Home and Community Based Residential Settings
120.64 Pregnant Women and Infants Under Age One Year Who Do Not Qualify As Mandatory Categorically Needy

SUBPART D: SUPPLEMENTARY MEDICAL INSURANCE

Section
120.70 Supplementary Medical Insurance Benefits, Buy-In Program

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SUBPART E: RECIPIENT RESTRICTION PROGRAM

Section
120.80 Recipient Restriction Program

SUBPART F: MIGRANT MEDICAL PROGRAM

Section
120.90 Migrant Medical Program
120.91 Income Standards

SUBPART G: AID TO THE MEDICALLY INDIGENT

Section
120.208 Client Cooperation
120.210 Citizenship
120.211 Residence
120.212 Age
120.215 Relationship
120.216 Living Arrangement
120.217 Supplemental Payments
120.218 Institutional Status
120.224 Foster Care Program
120.225 Social Security Numbers
120.230 Unearned Income
120.235 Exempt Unearned Income
120.236 Education Benefits
120.240 Unearned Income In-Kind
120.245 Earmarked Income
120.250 Lump Sum Payments and Income Tax Refunds
120.255 Protected Income
120.260 Earned Income
120.261 Budgeting Earned Income
120.262 Exempt Earned Income
120.270 Recognized Employment Expenses
120.271 Income From Work/Study/Training Program
120.272 Earned Income From Self-Employment
120.273 Earned Income From Roomer and Boarder
120.275 Earned Income In-Kind
120.276 Payments from the Illinois Department of Children and Family Services

Section
120.280 Assets
120.281 Exempt Assets
120.282 Asset Disregards
120.283 Deferral of Consideration of Assets
120.285 Property Transfers
120.290 Persons Who May Be Included in the Assistance Unit
120.295 Payment Levels for AMI

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SUBPART H: MEDICAL ASSISTANCE - NO GRANT

Section	
120.308	Client Cooperation
120.309	Caretaker Relative
120.310	Citizenship
120.311	Residence
120.312	Age
120.313	Blind
120.314	Disabled
120.315	Relationship
120.316	Living Arrangements
120.317	Supplemental Payments
120.318	Institutional Status
120.319	Assignment of Rights to Medical Support and Collection of Payment
120.320	Cooperation in Establishing Paternity and Obtaining Medical Support
120.321	Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
120.322	Proof of Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
120.323	Suspension of Paternity Establishment and Obtaining Medical Support Upon Finding Good Cause
120.324	Foster Care Program
120.325	Social Security Numbers
120.330	Unearned Income
120.332	Budgeting Unearned Income
120.335	Exempt Unearned Income
120.336	Education Benefits
120.338	Incentive Allowance
120.340	Unearned Income In-Kind
120.342	Court Ordered Child Support Payments of Parent/Step-parent
120.345	Earmarked Income
120.350	Lump Sum Payments and Income Tax Refunds
120.355	Protected Income
120.360	Earned Income
120.361	Budgeting Earned Income
120.362	Exempt Earned Income
120.364	Earned Income Exemption
120.366	Exclusion From Earned Income Exemption
120.370	Recognized Employment Expenses
120.371	Income From Work/Study/Training Programs
120.372	Earned Income From Self-Employment
120.373	Earned Income From Roomer and Boarder
120.375	Earned Income In Kind

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Section	
120.376	Payments from the Illinois Department of Children and Family Services
120.380	Assets
120.381	Exempt Assets
120.382	Asset Disregard
120.383	Deferral of Consideration of Assets
120.385	Property Transfers
120.390	Persons Who May Be Included In the Assistance Unit
120.391	Individuals Under Age 18 Who Do Not Qualify For AFDC/AFDC-MANG And Infants Under Age One Year
120.392	Pregnant Women Who Would Not Be Eligible For AFDC/AFDC-MANG If The Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
120.395	Payment Levels for MANG
120.399	Redetermination of Eligibility

AUTHORITY: Implementing Articles III, IV, V, VI and VII and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq. and 12-13).

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37,

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p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041 effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982, amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 6082; amended at 7 Ill. Reg. 8256, effective July 1, 1983; amended at 7 Ill. Reg. 8264, effective July 5, 1983; amended (by adding section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding sections being codified with no substantive change) at 7 Ill. Reg. 16108; amended at 8 Ill. Reg. 5253, effective April 9, 1984; amended at 8 Ill. Reg. 6770, effective April 27, 1984; amended at 8 Ill. Reg. 13328, effective July 16, 1984; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17897; amended at 8 Ill. Reg. 18903, effective

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September 26, 1984; peremptory amendment at 8 Ill. Reg. 20706, effective October 3, 1984; amended at 8 Ill. Reg. 25053, effective December 12, 1984; emergency amendment at 9 Ill. Reg. 830, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 4515, effective March 25, 1985; amended at 9 Ill. Reg. 5346, effective April 11, 1985; amended at 9 Ill. Reg. 7153, effective May 6, 1985; amended at 9 Ill. Reg. 11346, effective July 8, 1985; amended at 9 Ill. Reg. 12298, effective July 25, 1985; amended at 9 Ill. Reg. 12823, effective August 9, 1985; amended at 9 Ill. Reg. 15903, effective October 4, 1985; amended at 9 Ill. Reg. 16300, effective October 10, 1985; amended at 9 Ill. Reg. 16906, effective October 18, 1985; amended at 10 Ill. Reg. 3033, effective January 10, 1986; amended at 10 Ill. Reg. 3033, effective January 23, 1986; amended at 10 Ill. Reg. 4907, effective March 7, 1986; amended at 10 Ill. Reg. 6966, effective April 16, 1986; amended at 10 Ill. Reg. 10688, effective June 3, 1986; amended at 10 Ill. Reg. 12672, effective July 14, 1986; amended at 10 Ill. Reg. 15649, effective September 19, 1986; amended at 11 Ill. Reg. 3992, effective February 23, 1987; amended at 11 Ill. Reg. 7652, effective April 15, 1987; amended at 11 Ill. Reg. 8735, effective April 20, 1987; emergency amendment at 11 Ill. Reg. 12458, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 14034, effective August 14, 1987; amended at 11 Ill. Reg. 14763, effective August 26, 1987; amended at 11 Ill. Reg. 20142, effective January 1, 1988; amended at 11 Ill. Reg. 20898, effective December 14, 1987; amended at 12 Ill. Reg. 904, effective January 1, 1988; amended at 12 Ill. Reg. 3516, effective January 22, 1988; amended at 12 Ill. Reg. 6234, effective March 22, 1988; amended at 12 Ill. Reg. 8672, effective May 13, 1988; amended at 12 Ill. Reg. 9132, effective May 20, 1988; amended at 12 Ill. Reg. 11483, effective June 30, 1988; emergency amendment at 12 Ill. Reg. 11632, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 11839, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12835, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 13243, effective July 29, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17867, effective October 30, 1988; amended at 12 Ill. Reg. 19704, effective November 15, 1988; amended at 12 Ill. Reg. 20188, effective November 23, 1988; amended at 13 Ill. Reg. 116, effective January 1, 1989; amended at 13 Ill. Reg. 2081, effective February 3, 1989.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE

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Section 120.40 Exceptions To Use Of MANG Income Standard
MANG (AABD)

- a) An individual receiving long-term care in a licensed group care facility or a medical care facility is allowed \$30 per month in lieu of the MANG standard.
- b) Spouses sharing a room in a long term care facility, including a DMHDD facility or other medical care facility are considered residing together, if it is to their advantage when determining eligibility. For spouses considered residing together allow sixty dollars (\$60) per month for each individual in lieu of the MANG standard.
- bc) A client 65 years of age and over receiving care in a State mental hospital is considered to be receiving long-term care.
- ed) Children under age 21 are considered to be receiving long-term care if they are residing in one of the following settings:
- 1) Skilled nursing and intermediate care facilities approved for participation.
 - 2) Psychiatric hospitals approved for participation.

(Source: Amended at 13 Ill. Reg. 2081, effective February 3, 1989)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part:

Structural Pest Control Code

2) Code Citation:

77 Ill. Adm. Code 830

3) Section NumbersAdopted Action:

830.10	Amendment
830.20	New Section
830.100	Amendment
830.110	Amendment
830.120	Amendment
830.130	Amendment
830.140	Amendment
830.150	Repealer
830.160	Repealer
830.170	Repealer
830.180	Amendment
830.190	New Section
830.200	Amendment
830.210	New Section
830.220	New Section
830.230	New Section
830.240	New Section
830.250	Amendment
830.260	Amendment
830.270	Amendment
830.280	Repealer
830.290	New Section
830.300	New Section
830.310	New Section
830.315	Repealer
830.400	Amendment
830.410	Amendment
830.420	Repealer
830.430	Amendment
830.440	Amendment
830.450	Amendment
830.460	Amendment
830.500	Amendment
830.510	Repealer
830.520	Amendment
830.530	Amendment
830.540	Amendment
830.560	Repealer

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Section Numbers

830.570 Repealer
830.600 Amendment
830.610 Repealer
830.620 Amendment
830.630 Amendment
830.640 Amendment
830.650 Amendment
830.660 Repealer
830.670 Repealer
830.700 Amendment
830.800 New Section
830.820 Amendment
830.830 New Section
830.840 New Section
830.850 New Section
830.860 New Section
830.870 New Section
Illustration A
Illustration B

Adopted Action:

Repealer
Amendment
Repealer
Amendment
Amendment
Amendment
Amendment
Repealer
Repealer
Amendment
New Section
Amendment
New Section
New Section
New Section
New Section
New Section
New Section
New Section
Statutory Authority:
Structural Pest Control Act
Ill. Rev. Stat. 1987, ch. 111 1/2, par. 2201 et seq.
Effective Date of Rules:
February 3, 1989
Does this Rulemaking Contain an Automatic Repeal Date? Yes ___ No X
If "yes," please specify date:
Does this Rulemaking Contain Any Incorporations by Reference? Yes ___
NO X
If "yes," please specify type: 6.02(a) ___ or 6.02(b) ___
If "6.02(b)," was a copy of the approval form issued by the Joint Committee attached to this rulemaking? Yes ___ No ___
Date Filed in Agency's Principal Office:
February 3, 1989

9) Date Notice(s) of Proposal was Published in Illinois Register:

February 5, 1988 - 12 Ill. Reg. 3325

10) Has the Joint Committee on Administrative Rules issued a Statement of Objections to this/these Rules? Yes ___ No X

If "yes," please complete the following:

A) Statement of Objection: ___ Ill. Reg. ___
B) Agency Response: ___ Ill. Reg. ___
C) Date Agency Response Submitted for Approval to the Joint Committee: ___

11) Difference Between Proposal and Final Version:

The following changes were made in response to comments received during the first notice or public comment period:

1. In Section 830.10, the Department added two definitions and amended a third in the following manner:

(Insert before the definition of "Department")

"Crack and crevice treatment" means the application of small amounts of a pesticide into a crack, crevice, expansion joint, between different elements of construction, between equipment and floors, or into an opening that leads into voids such as hollow walls, equipment legs and bases, conduits, motor housings, junction or switch boxes, where insects may be present, so that the pesticide is not deposited onto exposed surfaces or introduced into the air.

(Insert after the definition of "File a renewal application")

"Food area" means an area where food is handled, received, packaged, held, processed, prepared, or served.

(Insert to the end of the definition of "Manner inconsistent with its labeling" the following:)

unless written recommendations have been obtained from the pesticide manufacturer prior to treatment authorizing the safe and effective use of a pesticide: 1) at a dosage, concentration or frequency less than specified on the labeling; 2) for a target pest not identified on the labeling as long as the application site is addressed and the labeling

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does not prohibit the use; or by a method of application not prohibited on the labeling.

Amend the definition of "Service containers" by inserting the word "temporarily" between the words "to" and "hold" on the first line.

(Insert after the definition of "Signal Word")

"Treatment period" means the period of time necessary for a room or area to remain closed to unauthorized individuals in order to allow an effective treatment and subsequent drying or settling of the pesticide in accordance with label directions or, in their absence, manufacturer's recommendations.

2. In Section 830.190, the Department added the following language in lieu of the proposed language.

a) Prior to any commercial or non-commercial pest control business changing ownership, a person shall be required to complete and submit the following for approval by the Department.

1) Change of Ownership form

2) The application and fee for a commercial structural pest control business license or a non-commercial structural pest control business registration completed in accordance with Section 830.100 or 830.110 of this Part.

3) A certificate of insurance (for commercial business only) in accordance with Section 9 of the Act and Sections 830.250 and 830.260 of this Part.

b) The above information shall be submitted to the Department at least 2 weeks prior to the effective date of the ownership change.

c) Operations under the new ownership shall not commence until the Department has issued a new license or registration.

d) Once a new license or registration has been issued, the new licensee or registrant shall submit all copies of the old license or registration to the Department within 15 days of the issue date.

3. In Section 830.240, the Department amended Subsection (b) in the following manner:

First line of (b), delete the word "any", then insert "the only" after the word "of" and before the word "certified". Second line of (b), delete the "(s)" at the end of the word "technician(s)" and insert

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"employed at the business location" after the word "technician". Delete "listed on the licensee's or registrant's application or renewal" which begins on line two and ends on line 3. Leave the comma after "renewal" and on the fourth line of item (b), delete the word "change" and replace with "certified technician's departure". Leave the period.

Delete the sentence which begins with "In the event..." and concludes with "...location:" and replace with the following second sentence of item (b): "In addition:"

Subsections (b)(1) through (b)(3) will remain.

(b) should read:

b) "When a licensee or registrant loses the services of the only certified technician employed at the business location, the licensee or registrant shall notify the Department in writing within 7 days of the certified technician's departure. In addition:"

4. In Section 830.260 the Department amended Subsection (b) by inserting the words "structural pest control" between the word "or" and "services" found on the second line of the first sentence, and amended the second sentence of Subsection b) by adding the phrase "as defined in Section 3.09 of the Act." after the word "licensee" at the end of the sentence. Delete the period after "licensee".

5. In Section 830.270, the Department amended Subsection (d) and (e) by deleting the proposed Subsections (d) and (e) and replacing them with the following:

d) The physical presence of the supervising certified technician is required in the immediate area of the work site when:

- 1) required by the pesticide labeling; or
- 2) the non-certified technician has not had the minimum on-the-job training with a supervising certified technician. At a minimum, on-the-job training requires at least two previous supervised uses of the same type of pesticide at a similar work site as verified by records kept in accordance with Section 830.820 of this Part; and
- 3) in other situations where required by the Act or this Part.

e) If the physical presence of the supervising certified technician is not required at the work site as specified in Section 830.270(d) above, then:

- 1) a copy of the label for the pesticide used shall be available for immediate review by the non-certified technician; and
- 2) the supervising certified technician must be able to have direct voice contact, or immediate voice contact by telephone or radio, with the certified technician at all times during the application; and
- 3) the supervising certified technician shall be able to be physically

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on the work site within one hour should the need arise.

In addition, the Department added Subsection (g) to 830.270 after Subsection (f) which states, "In all cases of supervision, the certified technician shall give the non-certified technician any site or pesticide specific instructions necessary to prevent the misuse of a pesticide".

6. In Section 830.410, the Department amended Subsection (c)(4)(H) by deleting the word "sole" from the second sentence in this subsection.

7. In Section 830.530, the Department added the following:

(j) Conditions conducive to structural pest invasion or harborage.

(k) Concepts of Integrated Pest Management.

8. In Section 830.630, the Department amended Subsections (b) through (d) in the following manner:

The proposed Subsection (b) was deleted. Proposed Subsections (c) and (d) were renumbered to (b) and (c). The new Subsection (b) (i.e. old Subsection (c)) will have "form provided by the Department" inserted in the second sentence between "evaluation" and "shall" so that the phrase reads: "In addition, a written evaluation form provided by the Department shall be included for completion by all participants." Add a third sentence to the new Subsection (b) which states, "The evaluation form shall be utilized by the seminar sponsor in order to improve seminar content and presentation."

9. In Section 830.800, The Department amended Subsection (c), (f) and (g) in the following manner:

Subsection (c) was amended by deleting the word "thoroughly" before the word "cleaned", and the words "contamination of a pesticide solution or other formulation by previous use." after the words "to prevent". The words "the misuse of a pesticide as described in Section 830.810 of this Part." were then added to the end of the sentence beginning with the words "to prevent".

Subsection (f) was amended by adding, after the word "aerosol," the words "fog, mist," and by deleting "and the area is in operation." after the word "exposed" beginning on the second line and ending on the third line of the sentence. Insert, in this same sentence, after the word "exposed" the following: ", except for the application of an appropriately labeled liquid or aerosol pesticide applied as a crack and crevice treatment through a small hollow injection tube placed directly into the target site below the level of the exposed food or food contact surface, unless the pesticide label contains more restrictive directions."

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Delete the entire second sentence of Subsection (f) and replace with "In all other applications of the above pesticide formulations in food areas, the following conditions must be met."

Subsection (f)(1) through (f)(3) will remain except that Subsection (f)(3) will become Subsection (f)(4) and the following will become the new Subsection (f)(3): "People without appropriate respiratory protection shall not be allowed in the same room where the application of an aerosol, mist, fog, dust or powder has been sprayed into the air until the room has been ventilated according to label directions or, in their absence, manufacturer's recommendations."

Subsection (g) is amended by inserting "mist, fog," after the word "aerosol," in the first line, and by deleting everything after the end of the first sentence and replacing with the following:

At the end of the pesticide application, the pest control technician shall post a legibly completed sign at all entrances to the treated room or area which shall warn unauthorized individuals to remain out of the treated area for the specified amount of time as determined by reviewing the pesticide label directions or, in their absence, by consulting the pesticide manufacturer. The sign shall contain black letters on a yellow background and be the same size, or larger, and contain the same information in the same proportion as that found in ILLUSTRATION A. In addition, the pest control technician shall give a copy of the following materials to the person responsible for patient care in the treated areas:

- 1) A copy of the information contained on the signs;
- 2) A copy of the label for each pesticide used;
- 3) A Material Safety Data Sheet for each pesticide used;
- 4) Manufacturer's recommendations for re-entry times and procedures when not addressed on the pesticide label.

At the end of the treatment period, the pest control technician shall make certain by onsite inspection that the ventilation procedures have been initiated in the treated room or area in accordance with label directions or, in their absence, manufacturer's recommendations for the pesticides used in the room or area. In the event that ventilation times are not stated on the pesticide label and not provided by the manufacturer, the ventilation period shall last for a minimum of 2 hours.

10. In Section 830.820, the Department amended the following subsections:

- Subsection (d) is amended by deleting the period after "usage" and adding "and both shall include the following:" to the end of the sentence. Subsection (d) is further amended by deleting the main part of Subsection (e) and moving Subsections (e)(1) through (e)(6)(D) up under (d).

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- The new Subsection (d)(3) is amended by deleting "name," and the word "signature" from the first lines. In addition, the comma after "(i.e. 052-)", is deleted and the word "initials" is inserted after the word "and" on the first line. Finally, the word "responsible" is inserted before "supervising" on the second line.
- The new Subsection (d)(6)(D) is amended by inserting "An estimate of the" before the word "Amount". Also make the "A" in "Amount" an "a".
- The proposed Subsection (f) is relettered to (e) and the word "Such" is deleted and replaced with the word "All" before "records". After the word "records" and before the word "shall", insert "except those for the week prior to the inspection".

11. In Section 830.830, the Department amended the main statement by inserting the following after the word "shall" in the second sentence:

"house all pesticides, except those offered for retail sale to the public or transported or temporarily stored in service vehicles, and"

12. In Section 830.840, the Department amended this section in the following manner:

- The main statement in this Section is amended by inserting the word "temporarily" after "and/or" and before "store".
- Subsection (d) is deleted in entirety.
- Subsections (e) through (h) are relettered (d) through (g).
- The new subsection (e) is amended by deleting the word "specific" after the word "regarding" on the second line and inserting the word "practical" after the word "regarding".
- The new subsection (f) is amended by deleting the word "file" after "label" and the word "those" after the word "for" in the first line. The "s" at the end of the word "pesticides" found on that same line is deleted. The word "each" is inserted just before the word "pesticide" found at the end of the first line (i.e. used to be "pesticides") and the word "temporary" is inserted between the words "or stored".
- Subsection (i) is deleted.

13. In Section 830.850, the Department amended the following subsections in the following manner:

- The first sentence of Subsection (a) is amended by inserting the word "severe" after the word "from" and before "corrosion". The second

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sentence of Subsection (a) is amended by deleting "off the floor" after the word "stored" and before the word "on". Finally, insert the word "temporary" after "for" and before "storage" on last line of Subsection (a).

- Subsection (b) is amended by deleting the word "may" and inserting the words "shall only" on the first line before the word "be". In addition, insert the word "temporarily" before the word "store" also found on the first line.

- Subsection (b)(1)(A) is amended by deleting the words "person and" from the first line of (A).

- Subsection (b)(2) is amended by deleting the words "shall be" and adding "along with the information presented in 830.850(b)(1)(A)." at the end of the sentence. The period would need to be deleted after the word "container".

- Add a new Subsection (b)(3) after Subsection (b)(2) as follows: "A service container shall be closed when not in use, clean so as to prevent the misuse of a pesticide as described in Section 830.810 of this Part, and non-leaking.

- Subsection (e) is amended by deleting "a" in the first line and inserting the word "the" in its place. Also, insert the word "storage" after "locked". Delete the word "separate" and replace it with "segregated". Insert a period after "other pesticides". Delete "with access the sole responsibility of the supervising certified technician." Add a second sentence which states "The area shall be identified by a placard stating "RESTRICTED USE PESTICIDES - Authorized Use Only" in black letters on a yellow background. The sign shall be the same size, or larger, and contain the same information in the same proportion as that found in ILLUSTRATION B "

- Subsection (f) is amended by adding the word "Non-restricted" before "pesticides" and change "p" to "p". Delete the word "separated" and replace with the word "segregated."

- Delete the proposed Subsection (g)
- Reletter the proposed Subsection (h) to Subsection (g)
- Reletter the proposed Subsection (i) to Subsection (h)

- Amend the new Subsection (h) (previously Subsection (i)) by deleting the word "any" found on the second line and inserting "the same room, or passenger" before the word "area" on the same line. Insert the words "of a service vehicle," after the word "area" on the second line. Delete the period after "stored" at the end of the sentence. Add the following ", except for closed food or feed containers used

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only for unmixed bait. Each such bait container shall be marked in a plainly visible manner, "DO NOT EAT - USE FOR BAIT ONLY." Such bait container must be stored in the locked area with the pesticides to prevent unauthorized access".

The following changes were made in response to comments and suggestions of the Joint Committee on Administrative Rules:

1. The Department will amend the definition of "crack and crevice treatment" found in Section 830.10 as follows:

The term "directly" shall be inserted between the words "pesticide into" found in the second line of the definition and the language "so that the pesticide is not deposited onto exposed surfaces or introduced into the air" shall be deleted.

2. The Department will amend the definition "file a renewal application" found in Section 830.10 to include a citation to the Section of the Act which pertains to the renewal fees. In order to make the citation, the phrase "any applicable renewal fee" will be replaced with the phrase "the applicable renewal fee as set forth in Section 9 of the Act." Finally, the words "Sections 4 (e) and 6 of" will be inserted between "of the" and the words "Sections 830.180 and 830.200 of" will be inserted between "and this" found in the next to the last line of the definition. The definition will read as follows:

"file a renewal application" means the process of completing the renewal form and submitting it to the Department along with the applicable renewal fee as set forth in Section 9 of the Act and evidence either attached to the renewal form or on file with the Department which would indicate that the license, certification or registration renewal requirements of Sections 4 (e) and 6 of the Act and Sections 830.180 and 830.200 of this Part have been met.

3. The Department will agree to replace the definition of "Manner in consistent with its labeling" found in Section 830.10 as follows:

"Manner inconsistent with its labeling" means the use of a pesticide in a manner not permitted by the labeling, but does not include, unless USEPA or the pesticide manufacturer indicates to the contrary via written statements prior to the treatment that such use would not be advisable or if it is deleterious to man or his environment, the application of a pesticide which will eliminate or control a pest: at a dosage, concentration or frequency less than specified on the labeling; for a target pest not identified on the labeling as long as the application site is addressed and the labeling does not prohibit the use; or by a method of application not prohibited by the labeling. Termiticides, however, shall be applied in accordance with the product labeling, unless

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there are written statements from the manufacturer prior to treatment that indicates that another use is more appropriate.

4. The Department will amend Section 830.180 (d)(2) to cross-reference the Section of the Act which pertains to the fees required for licensing/registration. This will be accomplished by replacing the word "fee" with the phrase "fee as set forth in Section 9 of the Act." Section 830.180 (d)(2) will read as follows:

- 2) The completed application (in accordance with Section 830.180 of this Part) and appropriate fee as set forth in Section 9 of the Act is received by the Department; and

5. The Department will amend Section 830.200 (d) to include a cross-reference to the Section of the Act which pertains to certification renewal fees. This will be accomplished by replacing the word "fee" with the phrase "renewal fee as set forth in Section 9 of the Act" so that the rule reads as follows:

- d. the completed renewal application, appropriate renewal fee as set forth in Section 9 of the Act and verification of Department approved pest control training seminar participation (if necessary) shall be filed with the Department by December 1 of the year of certification expiration.

6. In Section 830.400 (f), the Department will add the following after the word "cheating":

(e.g. including but not limited to discussing test material with another individual, looking at someone else's answers, viewing notes in a closed book exam) by the test monitor.

7. The Department will amend Section 830.800 entitled General Safety Precautions. Proposed subsections 830.800(f)(1) and (2) shall be combined to create a new subsection 830.800(f)(1) as follows:

Prior to treatment, all exposed food and food contact surfaces shall be effectively protected against pesticide contamination.

Subsections 830.800(f)(3) and (4) would be renumbered to become subsections 830.800(f)(2) and (3).

8. The Department will amend Section 830.820 entitled Records. Subsection 830.820(c) shall be amended by inserting after the word "shall" the phrase "provide written verification (i.e., signature and certification number) of". In addition, the word "for" will be inserted after the word "review" and before the word "all".

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Subsection 830.820(d)(3) shall be deleted and subsections 830.820(d)(4) through (6) shall be renumbered as subsections 830.820(d)(3) through (5)

9. In Section 830.850 (a), the Department will add the following after "severe corrosion":
(e.g. rusted so as to affect the integrity of the container; leaking)
10. In Section 830.870 (b), the Department will rephrase this subsection to state:
b) The licensee, registrant or certified technician shall take whatever steps are necessary (e.g. removing contaminated articles from the treatment site, cleaning up a spill according to label directions or manufacturer's recommendations, ventilating an area to eliminate odors from the application areas, etc.) in order to abate any imminent health treat resulting from the use of pesticides under their control.

Drafting and Editing

1. The Department will make the necessary corrections which the Secretary of State suggested in their March 7, 1988 memo.
2. The Department will delete the word "and" found in the definition of "purchasing Group" in Section 830.10.
3. The Department will underline subsection a) in Section 830.20 (a) as follows "a)".
4. The Department will strike through "b)" in Section 830.100 to designate that the existing subsection b) was deleted by the Department.
5. The Department will delete the unnecessary "s" appearing in the word "registrations" in line 10 of Section 830.110 (c).
6. The Department will correct the spelling of the word "business" in line 3 of Section 830.190 (a) (2).
7. The Department will replace the word "comprised" with the word "composed" in Section 830.200 (b).
8. The Department will replace the word "comprised" with the word "composed" in Section 830.600 (b)(8).
9. The Department will indent the paragraph following Section 830.800(g)(4) to the same level as item (4) in Section 830.800(g).

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10. The Department will place an apostrophe between the letters "r" and "s" of the word "manufacturers" found in line 4 of Section 830.830 (a).

11. The Department will replace "b" with "subsection (b)" in line 1 of Section 830.850 (a).

12. The Department will amend Section 830.850 (b)(2) by inserting the word "Section" between "in" and "830.850 b)(1)A". In addition, the Department will also place a parenthesis in front of "b)", "1)" and "A)" so that the entire correction will read:

"...presented in Section 830.850 (b)(1)(A).

In addition, various typographical, grammatical and form changes were made in response to the comments from the Administrative Code Division and the Joint Committee on Administrative Rules.

- 12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?

The Department has made all the changes to which it agreed with the Joint Committee.

- 13) Will the Rules Replace an Emergency Rule Currently in Effect?

Yes No X

- 14) Are there any other Amendments Pending on this Part? Yes No X

If Yes:

Section Numbers	Proposed Action	Ill. Reg. Citation
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- 15) Summary and Purpose of Rules:

Subpart A, Section 830.10 Additional definitions added to explain the law and rules.

Subpart A, Section 830.20 Lists the applicable laws, rules and regulations brought out in the body of the proposed rules to better inform the regulated public.

Subpart B, Sections 830.100 through 830.120 have been amended to further inform the regulated public of the procedures which must be followed in order to file an original application and obtain a license, registration

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or certification under the Act.

Subpart B, Sections 830.130 and 830.140 have been amended to correspond with existing language under the Act as well as to clarify the time frame for submitting applications for reexamination or examination in another certification sub-category.

Subpart B, Sections 830.150 through 830.170 have been repealed since Sections 830.100 through 830.140 have been amended to list the procedures required for obtaining an original license, certification or registration through the application, examination or re-examination process.

Subpart B, Sections 830.180 and 830.200 have been amended to further clarify how licenses, registrations and certifications are to be renewed by the regulated public.

Subpart B, Section 830.190 has been added to inform the regulated public the procedures which are to be followed when a business is sold to another individual.

Subpart B, Section 830.210 has been added to further explain Section 9 of the Structural Pest Control Act regarding the circumstances surrounding the assessment of the late filing fee to licenses, registrations and certifications filed in a manner inconsistent with the Act and the Rules.

Subpart B, Section 830.220 has been added to further explain Section 6 of the Structural Pest Control Act regarding the procedures that the regulated public shall follow when certifications are not renewed in the specified manner.

Subpart B, Sections 830.230 and 830.240 have been added to further explain Sections 5 and 8 of the Structural Pest Control Act so that the regulated public will be better aware of the requirements for employing a certified technician at each business location. In addition, these Sections address the procedure that the regulated public will need to follow when there is a change in technician employment.

Subpart B, Sections 830.250 and 830.260 have been amended to further clarify Section 9 of the Structural Pest Control Act and to better inform the regulated public about the items which must appear on the certificate of insurance. The latter Section also addresses the procedures which must be undertaken when there is an interruption in insurance coverage.

Subpart B, Section 830.270 has been amended to further explain Sections 3.16 and 5 of the Structural Pest Control Act regarding the supervision of non-certified individuals by certified technicians when using pesticides under the Act.

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Subpart B, Section 830.280 regarding Inspections and Investigations has been repealed since it is already defined in Section 10 of the Structural Pest Control Act.

Subpart B, Section 830.290 has been added to inform the regulated public how the Department will classify pesticides under the Structural Pest Control Act in order for the proper administration of the Act.

Subpart B, Section 830.300 has been added to explain Sections 5.01 and 5.02 of the Structural Pest Control Act regarding reciprocal certification with other States.

Subpart B, Sections 830.310 has been added to inform the regulated public about the proper display of licenses, registrations and certifications obtained under the Act.

Subpart B, Section 830.315 has been incorporated in Subpart B, Section 830.120 and Subpart C, Sections 830.400 and 830.410. Subpart B, Section 830.315 will be repealed.

Subpart C, Sections 830.400 has been amended to inform the regulated public about the certification examination process identifying such areas as (1) who may write the examination; (2) how often they may be written; (3) what items must be brought to the examination site; and (4) proper applicant conduct at the examination site.

Subpart C, Section 830.410 has been amended to inform the regulated public about the two certification classifications (General and Restricted Use) and the requirements for obtaining certification in each classification. An additional restricted use sub-category is listed in this Section to indicate that there are now 8 restricted use pesticide sub-categories instead of 7.

Subpart C, Section 830.420 regarding examination schedules has been repealed since this information is listed in Section 7 of the Act.

Subpart C, Sections 830.430 through 830.460 have been amended to further explain the examination grading policy, the notification and confidentiality of examination scores, and the applicants right to review the certification examinations.

Subpart D, Sections 830.500 and 830.520 through 830.540 have been amended to further define the requirements which an individual, group or organization must meet in order to have a pest control course approved by the Department to satisfy the restricted use certification requirements of Section 5B.2.b.(2) of the Structural Pest Control Act.

Subpart D, Section 830.510 regarding the application process for an

approved pest control course has been repealed because this information was incorporated in Section 830.500 of the proposed rules.

Subpart D, Sections 830.560 and 830.570 regarding approval/disapproval of a course submitted to the Department as a pest control course has been repealed since Sections 830.500 through 830.540 have been amended to list the requirements that must be incorporated into each pest control course.

Subpart E, Sections 830.600, 830.620 through 830.650 have been amended to further define the requirements which seminar sponsors must meet in order to submit their training session as a recertification training seminar. These seminars are required under Section 6 of the Structural Pest Control Act.

Subpart E, Section 830.610 regarding the application process which individuals, groups or organizations must follow in order to submit a program for recertification seminar credit has been repealed since this information has been incorporated in Sections 830.600 through 830.650 of the proposed rules.

Subpart E, Sections 830.660 and 830.670 regarding approval/disapproval of a pest control recertification seminar by the Department has been repealed since Sections 830.600 through 830.650 have been amended to list the requirements which must be incorporated into each recertification seminar.

Subpart F, Section 830.700 has been amended to properly reference the Rules of Practice and Procedure for Administrative Hearing adopted by the Department pursuant to the Administrative Procedures Act for all hearings under the Act.

Subpart G, Sections 830.800, 830.830 through 830.850 has been added to inform the regulated public of the safety practices which must be followed when storing, mixing, applying or transporting pesticides under the Act.

Subpart G, Section 830.820 has been amended to inform the regulated public as to the record keeping requirements regarding the use of pesticides under the Act.

Subpart G, Section 830.860 has been added to inform the regulated public when the Department may prohibit the sale, use and distribution of a pesticide used for structural pest control. This section also identifies when the Department may embargo pesticides which may threaten the health and safety of the public.

Subpart G, Section 830.870 has been added to inform the regulated public about the notification scheme and procedures that must be followed when a hazardous situation regarding their application of a pesticide becomes evident.

16) Information and Questions regarding this Adopted Rulemaking shall be directed to:

Mr. Robert John Kane, Division of Governmental Affairs, Department of Public Health, 525 West Jefferson, Second Floor, Springfield, Illinois 62761, 217/782-6187.

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER 1: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER 0: PEST CONTROL

PART 830
STRUCTURAL PEST CONTROL CODE

SUBPART A: GENERAL

SECTION
830.10
830.20

Definitions
Incorporated Materials

SUBPART B: GENERAL REQUIREMENTS

License Application for Commercial Structural Pest Control
Business Location
Registration Application for Non-Commercial Structural Pest
Control Location
Application for Examination as a Certified Structural Pest
Control Technician
Re-examination Applications
Application of Certified Technicians for Examination in Other
Sub-categories
Processing (Repealed)
Approved Applications (Repealed)
Disapproved Applications (Repealed)
License and Registration Renewals
Change of Business Ownership
Certification Renewals
Late Filing Charge
Non-renewal of Technician Certificates
Certified Technician at Each Location
Change of Certified Technician at Place of Employment
Certificates of Insurance
Insurance Coverage
Supervision of a Non-certified Technician
Inspections and Investigations (Repealed)
Classification of Pesticides
Application for Certification in Illinois as a Structural Pest
Control Technician by Reciprocity
Display of License, Registration and Certification
Procedures for Certification as a Structural Pest Control
Technician in Wood Products Pest Control (Repealed)

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830.110
830.120
830.130
830.140
830.150
830.160
830.170
830.180
830.190
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830.210
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SUBPART C: EXAMINATIONS

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General Provisions
Examinations
Examination Schedules (Repealed)
Grades
Notification of Examination Results
Confidentiality of Examination Scores
Examinee's Review of Examination

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830.410
830.420
830.430
830.440
830.450
830.460

SUBPART D: PEST CONTROL COURSES

General Application
Application (Repealed)
Instructors
Pest Control Course Description
Record of Completion
Pest Control Course Evaluation
Approval (Repealed)
Disapproval of an Application or Recision of Approval (Repealed)

830.500
830.510
830.520
830.530
830.540
830.550
840.560
830.570

SUBPART E: PEST CONTROL TRAINING SEMINARS (RECERTIFICATION)

General Application
Application (Repealed)
Instructors
Pest Control Seminars
Record of Completion
Pest Control Seminar Evaluation
Approval (Repealed)
Disapproval of an Application or Recision of Approval (Repealed)

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830.620
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830.640
830.650
830.660
830.670

SUBPART F: HEARINGS

Hearings

830.700

SUBPART G: SAFE PESTICIDE STORAGE AND HANDLING

General Safety Precautions
Misuse of Pesticides
Records
Pesticide Storage Area
Service Vehicles
Pesticide Storage Practices
Orders to Stop Sale, Use, Seize or Regulate Removal
Hazardous Incident Notification and Abatement

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830.810
830.820
830.830
830.840
830.850
830.860
830.870

Illustration A WARNING SIGN-PESTICIDE TREATMENT & VENTILATION
Illustration B RESTRICTED USE PESTICIDE SIGN

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AUTHORITY: Implementing and authorized by the Structural Pest Control Act (Ill. Rev. Stat. 1983 1987, ch. 111 1/2, pars. 2201 et seq.).

SOURCE: Adopted at 2 Ill. Reg. 19, p. 159, effective May 3, 1978; codified at 8 Ill. Reg. 18492; emergency amendment at 10 Ill. Reg. 17812, effective September 28, 1986, for a maximum of 150 days; amended at 11 Ill. Reg. 7736, effective April 15, 1987; amended at 13 Ill. Reg. 2090, effective February 3, 1989.

SUBPART A: GENERAL

Section 830.10 Definitions

In addition to the definitions contained in the Structural Pest Control Act (Ill. Rev. Stat. 1983 1987, ch. 111 1/2, par. 2201 et seq.), the following definitions, when used herein, shall apply:

"Act" means the "Structural Pest Control Act (Ill. Rev. Stat. 1983 1987, ch. 111 1/2, par. 2201 et seq.)."

"Active ingredient" means any ingredient which will prevent, destroy, repel, control or mitigate a pest.

"Applicant" means any person making an application for a license, registration, examination or certification.

"Back flow preventer or vacuum breaker device" means a device, approved by the Illinois Plumbing Code (77 Ill. Adm. Code 890) used to prevent backflow or backsiphonage of contaminated water or liquid into a water supply system.

"College or university course in related field" means three semester hours or four quarter hours of a college course in biological sciences, physics or chemistry.

"Crack and crevice treatment" means the application of small amounts of a pesticide directly into a crack, crevice, expansion joint, between different elements of construction, between equipment and floors, or into an opening that leads into voids such as hollow walls, equipment legs and bases, conduits, motor housings, junction or switch boxes, where insects may be present.

"Department" means the Illinois Department of Public Health.

"FIFRA" means the Federal Insecticide, Fungicide and Rodenticide Act.

"File a renewal application" means the process of completing the renewal form and submitting it to the Department along with the

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applicable renewal fee as set forth in Section 9 of the Act and evidence either attached to the renewal form or on file with the Department which would indicate that the license, certification or registration renewal requirements of Sections 4(e) and 6 of the Act and Sections 830.180 and 830.200 of this Part have been met.

"Food area" means an area where food is handled, received, packaged, held, processed, prepared, or served.

"Insurance company authorized to transact business" means an insurance company which has been issued a Certificate of Authority by the Director of the Department of Insurance.

"Manner inconsistent with its labeling" means the use of a pesticide in a manner not permitted by the labeling, but does not include, unless USEPA or the pesticide manufacturer indicates to the contrary via written statements prior to the treatment that such use would not be advisable or if it is deleterious to man or his environment, the application of a pesticide which will eliminate or control a pest: at a dosage, concentration or frequency less than specified on the labeling; for a target pest not identified on the labeling as long as the application site is addressed and the labeling does not prohibit the use; or by a method of application not prohibited by the labeling. Termiticides, however, shall be applied in accordance with the product labeling, unless there are written statements from the manufacturer prior to treatment that indicates that another use is more appropriate.

"Method" means any action or procedure used to determine the presence or absence of a pest.

"Pest control course" means an educational program which provides addresses the basic theoretical or practical knowledge of pesticides and their application, approved by the Department pursuant to Subpart D of this Part, and is equivalent to six months experience for original certification.

"Pest control training seminar" means a recertification training program which provides the technical and legal aspects of present structural pest control technology, approved by the Department pursuant to Subpart E of this Part.

"Pest control specialist" means a person who has a degree from a recognized college or university in one or more fields related to structural pest control and/or pesticides or has a specialized area of interest pertaining to chemical manufacturing and/or research, chemistry, entomology, or environmental sanitation and engineering.

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"Purchasing group" means a purchaser of group insurance which group has registered with the Director of the Department of Insurance.

"Recognized college or university" means an educational institution which has been recognized or approved by the Board of Higher Education, or equivalent, in the State in which it is located; and/or an educational institution accredited by a regional accrediting association recognized by the Council on Post Secondary Accreditation. In either instance, the college or university must be authorized to confer a degree in the fields of Biological Sciences, Entomology, Zoology, or related fields.

"Risk retention group" means an insurance company incorporated and licensed in one of the states of the United States and registered with the Director of the Department of Insurance.

"Service container" means any non-food container utilized to temporarily hold, store or transport a pesticide concentrate or registered ready-to-use product other than the original labeled container provided by the manufacturer, the measuring device or the application device.

"Signal word" means a word or phrase found prominently displayed on the pesticide label which offers an indication of the toxicity and potential danger of a pesticide.

"Work Site" means and includes any location at which pesticides are handled, mixed, stored, or applied.

"USEPA" means the United States Environmental Protection Agency.

"Treatment period" means the period of time necessary for a room or area to remain closed to unauthorized individuals in order to allow an effective treatment and subsequent drying or settling of the pesticide in accordance with label directions or, in their absence, manufacturer's recommendations.

(Source: Amended at 13 Ill. Reg. 2090, effective February 3, 1989)

Section 830.20

Incorporated Materials

a) The following laws, rules and codes are incorporated or referenced in this Part:

- 1) Illinois Pesticide Act of 1979 (8 Ill. Adm. Code 250), rules pertaining to Pesticide Control promulgated by the Illinois Department of Agriculture (Section 830.860);

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2) Rules of Practice and Procedure In Administrative Hearings (77 Ill. Adm. Code 100) promulgated by the Illinois Department of Public Health (Section 830.700);

3) Illinois Plumbing Code (77 Ill. Adm. Code 890) promulgated by the Illinois Department of Public Health (Section 830.800);

4) Illinois Pesticide Act (Ill. Rev. Stat. 1987, ch. 5, par. 801 et seq.) (Section 830.860);

5) Structural Pest Control Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 2201 et seq.) (Section 830.10);

6) The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136 et seq.) also referred to as the Federal Environmental Pesticide Control Act of 1972 (Section 830.860).

b) All incorporations by reference refer to the materials on the date specified and do not include any additions or deletions subsequent to the date specified.

(Source: Added at 13 Ill. Reg. 2090, effective February 3, 1989)

SUBPART B: GENERAL REQUIREMENTS

Section 830.100 License Application for Commercial Structural Pest Control Business Location

a) Any person who engages in commercial structural pest control at or from any commercial structural pest control business location shall file a written application for a license, in duplicate, with the Department in Illinois, or from a location outside the State and doing business within Illinois, shall be required to obtain a business license from the Department.

b) The application for a commercial structural pest control business location license shall be on forms provided by the Department and shall contain the following information:

1) Name and street address of business;

2) Business telephone number;

3) Type of ownership;

4) List of officers for corporations or partners for partnerships (if other than sole proprietorship);

5) Name(s) and Illinois certificate number(s) of technicians(s)

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employed-by-the-business-

- 6) Type-of-pest-control-activities-performed-by-the-business-
- 7) A-certificate-of-insurance-as-prescribed-under-Section-9-of-the-Structural-Pest-Control-Act-
- 8) The-required-fee-as-prescribed-under-Section-9-of-the-Structural-Pest-Control-Act-
- 9) Federal-employer-identification-(I.D.)-number-

b) To obtain a business license, an applicant must first meet the certification requirements of the Act and this Part and:

- 1) Complete the STRUCTURAL PEST CONTROL BUSINESS LICENSE APPLICATION (Form IL 482-0156) in duplicate;
- 2) Obtain a certificate of insurance with general liability insurance coverage in accordance with Section 9 of the Act and Sections 830.250 and 830.260 of this Part;
- 3) Pay the required license fee as specified in Section 9 of the Act and on the application; and
- 4) Submit the above items to the Department.

c) The license shall be available to any individual desiring to perform structural pest control services for hire who employs at least one Illinois certified structural pest control technician at the business location to oversee pest control activities which may include the use of general use pesticides (restricted use pesticides if qualified under Section 58 of the Act) as long as the requirements of the Act and this Part are met. All licenses shall be issued to the owner named in the application, and are not transferable or assignable.

(Source: Amended at 13 Ill. Reg. 2090, effective February 3, 1989)

Section 830.110 Registration Application for Non-Commercial Structural Pest Control Location

- a) Any person who engages in non-commercial structural pest control using restricted pesticides, at or from any non-commercial structural pest control location, shall file a written application; in duplicate, with- be required to obtain a non-commercial structural pest control registration from the Department prior to the application of any restricted pesticide by said person or facility.

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b) The application for a non-commercial structural pest control location registration shall be on forms provided by the Department and shall contain the following information:

- 1) Name and address of the company, State agency, unit of local government, school district, State-funded college or university or other entity;
- 2) A list of principal locations and addresses, when deemed necessary, where or from which pesticides are applied if other than the above;
- 3) Telephone number and numbers of other locations listed in subsection (2) above;
- 4) Name(s) and Illinois certificate number(s), if applicable, of technician(s) performing structural pest control services for the non-commercial structural pest control location;
- 5) Type of pest control activities performed at or from the above locations;
- 6) Federal employer I.D. number, if applicable;

b) To obtain a location registration, an applicant must first meet the restricted use certification requirements of the Act and this Part and:

- 1) Complete the NON-COMMERCIAL STRUCTURAL PEST CONTROL BUSINESS APPLICATION (Form IL 482-0157) in duplicate (Form IL 482-0159 if facility is state, federal or unit of local government);
- 2) Pay any applicable registration fee in accordance with Section 9 and 22 of the Act; and
- 3) Submit the forms and applicable fees to the Department.

c) All applications shall be accompanied by the required fee for registration except that, applicants of State agencies, units of local government, school districts, State-funded universities and colleges and Federal agencies shall not be required to pay the registration fee. The registration shall be available to any non-commercial structural pest control location where restricted pesticides will be utilized by Illinois structural pest control technicians employed at the location and certified (in accordance with the Act and this Part) by the Department to use restricted pesticides. All registrations shall be issued to the owner named in the application, and are not transferable or assignable.

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(Source: Amended at 13 Ill. Reg. 2090, effective February 3, 1989)

Section 830.120 Application for Examination as a Certified Structural Pest Control Technician

a) Application for examination as a certified structural pest control technician--An applicant for examination as a certified structural pest control technician shall file his written application in duplicate in the office of the Department thirty (30) calendar days prior to the examination date.

b) The application for certification as a structural pest control technician shall be on forms provided by the Department and shall contain the following information:

- 1) Name and home address of the applicant.
- 2) Name and address of the applicant's employer, if any.
- 3) The name(s) and certification number(s) of the structural pest control technician(s) who has supervised the applicant's use of restricted pesticides for one year (six months, if evidence is attached indicating the completion of 12 semester hours at a recognized college or university or an approved course from an educational institution or other entity).
- 4) Applicant's age and date of birth.
- 5) Educational background (attach transcript) if six months' credit is requested.
- 6) Technical education (attach documentation of successful completion of course) if six months' credit is requested.
- 7) Professional experience verification, as may be required.
- 8) The sub-categories in which the applicant desires to be examined (see Examination--Section 830.410).
- 9) Recent photograph of applicant (2-1/2" x 3-1/2").
- 10) Social Security number of applicant.
- 11) Applications for examination shall be accompanied by the required fee for examination.

a) Any person who engages in commercial structural pest control is required to become certified by examination in accordance with

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Section 5 of the Act and this Section except that individuals who are not certified may work under the supervision of a certified technician who shall be responsible for their pesticide applications.

b)

Any person who engages in non-commercial structural pest control utilizing restricted-use pesticides is required to become certified by examination in accordance with Section 5 of the Act and this Section except that individuals who are not certified may work under the supervision of a certified technician who shall be responsible for their pesticide applications.

c)

Any applicant desiring to become certified to oversee pest control activities including the application of general use pesticides must:

- 1) Meet the certification requirements of Section 5A of the Act;
 - 2) Complete the APPLICATION FOR CERTIFICATION AS A STRUCTURAL PEST CONTROL TECHNICIAN - GENERAL USE PESTICIDES ONLY (Form IL 482-0152) in duplicate;
 - 3) Pay the required examination fee as specified in Section 9 of the Act and on the application;
 - 4) Complete the green REQUEST FOR RESERVATION TO TAKE THE STRUCTURAL PEST CONTROL TECHNICIAN CERTIFICATION EXAMINATION (Form IL 482-0162). The General Standards category is the only box that should be marked on this form;
 - 5) Submit the completed forms and fee to the Department so that they are received no later than 30 days prior to the examination date.
 - 6) Complete the examination requirements described in Subpart C of this Part.
- Any applicant desiring to oversee pest control activities, including the application of general and restricted use pesticides must:
- 1) Meet the requirements of Section 5B of the Act;
 - 2) Complete the APPLICATION FOR CERTIFICATION AS A STRUCTURAL PEST CONTROL TECHNICIAN - RESTRICTED USE PESTICIDES (Form IL 482-0153) in duplicate;
 - 3) Pay the required examination fee as specified in Sections 9 and 22 of the Act;
 - 4) Complete the green REQUEST FOR RESERVATION TO TAKE THE

d)

STRUCTURAL PEST CONTROL TECHNICIAN CERTIFICATION EXAMINATION
(Form IL 482-0162);

- 5) Submit the completed forms and applicable fee to the Department so that they are received no later than 30 days prior to the examination date.
- 6) Complete the examination requirements described in Subpart C of this Part.
- e) Any application for original certification or reexamination which is not acted upon by the applicant within one (1) year of acceptance by the Department shall be declared null and void.
- (Source: Amended at 13 Ill. Reg. 2090, effective February 3, 1989)

Section 830.130 Re-examination Applications

Any applicant who takes and fails to pass the general exam standards examination and/or any sub-category examination as established under Subpart C, may apply for re-examination in the general exam standards or any sub-category(ies) failed (and in sub-categories not previously taken) by filing an application for re-examination on forms provided by the Department. The completed application and required fee for re-examination must be accompanied by the required fee for examination (See Sections 9 and 22 of the Act) must be received by the Department no later than 30 days prior to the examination date.

(Source: Amended at 13 Ill. Reg. 2090, effective February 3, 1989)

Section 830.140 Application of Certified Technicians for Examination in Other Sub-categories

Any certified technician technician certified in the use of restricted pesticides (or general use pesticides and meeting the requirements of Section 58 of the Act) may apply for examination in any sub-category established in Subpart C for which the certified technician is qualified and has not previously been examined. The application shall be on forms prescribed by the Department and shall be filed with the Department so as to be received no later than 30 days prior to the examination date. All applications shall be accompanied by the required fee for examination (see Sections 9 and 22 of the Act).

(Source: Amended at 13 Ill. Reg. 2090, effective February 3, 1989)

Section 830.150 Processing (Repealed)

Every application for a license, registration, examination or re-examination

shall be completed before being processed by the Department. Incomplete applications shall be returned to the applicant with notification of the reason for the return.

(Source: Repealed at 13 Ill. Reg. 2090, effective February 3, 1989)

Section 830.160 Approved Applications (Repealed)

If an application for license or registration for a structural pest control location is approved, a license or registration shall be promptly issued by the Department. If an application for examination or re-examination is approved, the Department shall promptly notify the applicant in writing of such approval and assign the applicant to a place and time for examination. Upon written request, an applicant may be rescheduled for a subsequently scheduled examination, subject to Department approval.

(Source: Repealed at 13 Ill. Reg. 2090, effective February 3, 1989)

Section 830.170 Disapproved Applications (Repealed)

If an application is disapproved, the Department shall promptly notify the applicant in writing of such disapproval and state the reasons for disapproval.

(Source: Repealed at 13 Ill. Reg. 2090, effective February 3, 1989)

Section 830.180 License and Registration Renewals

- a) Renewal notifications applications shall be mailed to all licensees and registrants at least 30 days prior to December 1 of each calendar year, on forms prescribed by the Department.
- b) Any changes in required information should be recorded on the form by the applicant; the forms signed and returned to the Department, together with the appropriate renewal fee. Renewal applications shall be reviewed for accuracy by the licensee or registrant. The following information shall be recorded on the back of the renewal application before being submitted to the Department:

- 1) Any changes in business name, ownership or location.
- 2) The signature of the location manager/owner.
- 3) The signature and certification number (i.e., 052-) of a technician (certified in accordance with Section 5 of the Act and this Part) employed at the business location possessing a certificate expiring beyond the license or registration renewal period. A technician possessing a certificate expiring at the

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same time as the business license or registration may sign the renewal providing the technician certificate is renewed prior to, or at the same time as, the business license or registration.

c) Renewal applications shall be filed with the Department prior to December 1 of each year.

d) A license/registration shall be issued providing:

- 1) the business employs at least one Illinois certified technician at the business location (registrants are required to employ at least one Illinois certified technician at any location where restricted pesticides are utilized); and
- 2) the completed application (in accordance with Section 830.180 of this Part) and appropriate fee as set forth in Section 9 of the Act is received by the Department; and
- 3) a valid certificate of insurance is on file with the Department (or attached to the renewal) which provides the minimum liability insurance requirements as detailed in Section 9 of the Act and Sections 830.250 and 830.260 of this Part (not applicable for registrants); and
- 4) there has been no change in the ownership of the business; and
- 5) the Department has no other grounds for denying the application pursuant to Section 13 of the Act or this Part.

e) Renewal applications filed with the Department postmarked after December 31 of each year, or renewal applications filed with the Department but not renewed by the Department prior to December 31 of the year of expiration because they were submitted in violation of this Part, shall be assessed a late filing charge in accordance with Section 9 of the Act and Section 830.210 of this Part.

(Source: Amended at 13 Ill. Reg. 2090, effective February 3, 1989)

Section 830.190 Change of Business Ownership

a) Prior to any commercial or non-commercial pest control business changing ownership, a person shall be required to complete and submit the following for approval by the Department:

- 1) Change of Ownership form.
- 2) The application and fee for a commercial structural pest control business license or a non-commercial structural pest control

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business registration completed in accordance with Section 830.100 or 830.110 of this Part.

3) A certificate of insurance (for commercial business only) in accordance with Section 9 of the Act and Sections 830.250 and 830.260 of this Part.

b) The above information shall be submitted to the Department at least 2 weeks prior to the effective date of the ownership change.

c) Operation under new ownership shall not commence until the Department has issued a new license or registration.

d) Once a new license or registration has been issued, the new licensee or registrant shall submit all copies of the old license or registration to the Department within 15 days of the issue date.

(Source: Added at 13 Ill. Reg. 2090, effective February 3, 1989)

Section 830.200 Certification Renewals

a) Renewal notifications applications shall be mailed to all certified technicians who are in possession of a valid structural pest control technician certificate at least 30 days prior to December 1 of the third calendar year from the date of original certification or the third calendar year from the date of the most recent certification renewal on forms prescribed by the Department during the year of certification expiration.

b) Any changes of employment, name or address should be recorded on the form; the form signed and returned to the Department with the appropriate renewal fee. Renewal applications shall be reviewed for accuracy by the certified technician. Any changes of employment, name, or home address shall be noted on the back of the renewal application. The renewal application shall then be signed by the certified technician.

c) Certificates shall be renewed provided there is evidence on record with the Department on attached to the renewal notice that the certified technician has attended at least one approved seminar on pest control or an approved college or university course in a related field during the three-year period preceding the technician's renewal date. Prior to submitting the renewal application to the Department for processing, the technician shall have attended at least one Department approved pest control training seminar during the 3 year period preceding the technician's renewal date. Verification of seminar attendance shall be attached to the renewal when submitted to the Department unless such verification is

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already on file with the Department.

- d) The completed renewal application, appropriate renewal fee as set forth in Section 9 of the Act and verification of Department approved pest control training seminar participation (if necessary) shall be filed with the Department by December 1 of the year of certification expiration.

- e) Renewal applications filed with the Department postmarked after December 31 of the year of expiration, or renewal applications filed with the Department but not renewed by the Department prior to December 31 of the year of expiration because they were submitted in violation of Section 830.200 of this Part, shall be assessed a late filing charge in accordance with Section 9 of the Act and Section 830.210 of this Part.

(Source: Amended at 13 Ill. Reg. 2090, effective February 3, 1989)

Section 830.210 Late Filing Charge

- a) A late filing charge (see Section 9 of the Act) shall be assessed for any license, registration or certification renewal which is not properly filed with the Department postmarked no later than the date of expiration.

- b) A renewal is improperly filed when a license, registration, or technician certificate cannot be issued because the requirements of the Act and Sections 830.180 or 830.200 of this Part have not been fulfilled.

(Source: Added at 13 Ill. Reg. 2090, effective February 3, 1989)

Section 830.220 Non-renewal of Technician Certificates

- a) Structural pest control technician certificates shall be renewed up to 1 year after expiration by paying the renewal fee, late filing charge (as required by Section 9 of the Act) and furnishing evidence of participation at an approved pest control training seminar. A certificate issued by the Department pursuant to this Section shall expire 3 years from the technician's original renewal date.

- b) Certificates lapsing more than 1 year but less than 5 years after expiration shall be renewed only after the individual files an application for examination, pays all required fees (i.e., a total fee composed of the application, renewal and late filing fee) and successfully passes the certification examinations.

- c) No previously certified technician shall be allowed to attain

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certification without meeting the appropriate requirements as detailed in subsections (a) or (b) above.

(Source: Added at 13 Ill. Reg. 2090, effective February 3, 1989)

Section 830.230 Certified Technician at Each Location

- a) Each structural pest control business location licensed or registered in accordance with Sections 4 and 5 of the Act and Sections 830.100 and 830.110 of this Part shall employ an Illinois certified structural pest control technician at each business location. This certified technician shall work out of or from the business location and shall:

- 1) Ensure that all non-certified technicians employed at the business location are receiving instructions on the proper use of pesticides and all other requirements of the Act and this Part.
- 2) Ensure that records of pesticide use are being maintained at the business location in accordance with Section 830.820 of this Part.
- 3) Purchase, or oversee the purchase of, those restricted pesticides covered by the structural pest control technician certification.
- 4) Supervise the use of general and restricted pesticides by non-certified technicians as outlined in Section 830.270.

- b) No Illinois certified structural pest control technician shall be employed as the only certified structural pest control technician for more than one business location.

- c) A pest control consultant may not be employed by a structural pest control business location as the only certified structural pest control technician to use or oversee the use of pesticides under the Act.

(Source: Added at 13 Ill. Reg. 2090, effective February 3, 1989)

Section 830.240 Change of Certified Technician at Place of Employment

- a) Each Illinois certified structural pest control technician shall be required to notify the Department in writing within 15 days of any change in home address or employment. The notification shall also include the date of employment termination at the previous business location, if applicable. A new structural pest control technician

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certificate will be issued with the technician's new home address provided that all copies of the old certificate are submitted to the Department along with the appropriate fee specified in Section 9 (f) of the Act.

- b) When a licensee or registrant loses the services of the only certified technician employed at the business location, the licensee or registrant shall notify the Department in writing within 7 days of the certified technician's departure. In addition:

- 1) All commercial structural pest control business operations shall cease effective the date of the certified technician's departure and shall not resume until a replacement technician has been employed;
- 2) All non-commercial structural pest control businesses utilizing restricted pesticides shall cease application with restricted pesticides effective the date of the certified technician's departure and shall not resume until a replacement technician has been employed; and
- 3) The licensee or registrant shall notify the Department in writing within 7 days after another technician certified in accordance with Section 5 of the Act and this Part has been employed at the business location. Said notification shall also list the certified technician's starting date.

(Source: Added at 13 Ill. Reg. 2090, effective February 3, 1989)

Section 830.250 Certificates of Insurance

- a) Every commercial structural pest control location application for an original license or license renewal shall be accompanied by a Certificate of Insurance as prescribed under Section 9 of the Act and this Part, unless a valid Certificate of Insurance is already on file with the Department. The Certificate of Insurance shall utilize one of the following methods:

- 1) Certificate of Insurance issued by an insurance company authorized to transact business in the State of Illinois; or
 - 2) Certificate of Insurance issued by a Risk Retention Group registered to transact business in the State of Illinois; or
 - 3) Certificate of Insurance issued by an insurance company who is the insurer of a registered purchasing group.
- b) The eCertificate of Insurance shall be on a form prepared or

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approved by the Department, issued in the name of each commercial structural pest control business location, and shall evidence provide coverage at each location requiring a license, and shall be in effect during the license year. The certificate shall include the following:

- 1) Complete name of the insurance company providing coverage to the licensee.
 - 2) Name, address and telephone number for the insurance agency.
 - 3) Name and address of the insured location.
 - 4) Type of insurance coverage.
 - 5) Policy number and expiration date.
 - 6) Limits of liability in accordance with Section 9 of the Act or Section 830.260 of this Part.
 - 7) The Illinois Department of Public Health listed as a certificate holder.
 - 8) Signature of the insurance representative authorized to write the certificate.
 - 9) Items not covered by the insurance policy shall be listed and explained on the Certificate of Insurance, or attached to the certificate.
- c) Each applicant for a license or licensee, or his or her designated insurance representative, should shall direct his insurance company to provide the Department with the required eCertificate of Insurance and to notify the Department in writing of any cancellations, material alterations or expiration at least ten (10) thirty (30) days prior to any such cancellation, alteration or expiration, not withstanding the requirements of Section 830.250(f).
- d) Within thirty (30) days after the renewal of an insurance policy, the licensee shall forward a renewed copy of the renewed eCertificate of Insurance to the Department. Although this responsibility may be delegated to the insurance company, it shall be the responsibility of the licensee to ensure that this requirement is met.
- e) The public liability coverages as described on the eCertificate of Insurance must be valid and in effect at the time the

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Department issues the holder of such insurance a commercial structural pest control business location license.

- f) Each licensee, or his or her designated insurance representative, shall notify the Department within ten (10) days of any claim which, if paid, will reduce the aggregate limits of the insurance liability coverage below the requirements of Section 9 of the Act and Section 830.260 of this Part.

(Source: Amended at 13 Ill. Reg. 2090, effective February 3, 1989)

Section 830.260 Insurance Coverage

- a) The public liability policy limits as described in Section 9 of the Act shall be primary, first dollar coverages. The primary, first dollar public liability coverage, when written in single limit liability form, shall be no less than the sum of the personal injury liability per occurrence limits and the property damage liability per occurrence limits, as found in Section 9 of the Act.
- b) A commercial structural pest control licensee may not employ the use of any chemicals or structural pest control services excluded from the licensee's liability insurance coverages. The insurance policy shall cover all pest control services performed by the licensee as defined in Section 3.09 of the Act.
- c) If the licensee has manufacturers' and contractors' liability coverage, the licensee's liability policy must contain classifications to insure the terminating operations being licensed.
- d) Upon request by the Department, the applicant shall provide a duplicate copy of the licensee's insurance policy in order to determine proper coverages. If the Department is not able to determine that the certificate of insurance satisfies the requirements of the Act, the Department may request that a copy of the insurance policy be submitted to determine its acceptability. The insurance policy and coverage shall be in effect at all times during the license year. Any interruption in insurance coverage (i.e., any instance when the liability insurance coverage fails to meet the requirements of the Act or this Part) shall result in an immediate termination of pest control activities. Pest control activities shall only be reinstated after a certificate of insurance referencing the limits of liability in accordance with Section 9 of the Act and Sections 830.250 and 830.260 of this Part has been received by the Department.
- e) Upon request by the Department, the applicant or licensee shall

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provide a duplicate copy of the insurance policy.

(Source: Amended at 13 Ill. Reg. 2090, effective February 3, 1989)

Section 830.270 Supervision of a Non-certified Technician

- a) Each non-certified structural pest control technician, when using restricted pesticides, shall be under the supervision of a certified structural pest control technician who shall be responsible for the use and application of restricted pesticides by the non-certified technician.
- b) Supervision by a certified structural pest control technician includes, but is not limited to, the following:
- 1) The continuous presence of a certified technician; or
 - 2) Physical presence of the supervising certified technician at the site of application, if the labeling of the pesticide so stipulates on the non-certified technician has no previous experience with either the pesticide or application methodology in use; and in other situations where required by rules promulgated pursuant to the Act by the Department; or
 - 3) The availability of direct voice contact with the certified technician providing supervision during the time period normally adequate to complete the assignment; and clearly legible instructions and/or directions for the handling and application of pesticides for the precautions to be taken to prevent injury to the applicator and other persons or damage to the environment; the pesticide label is part of such instructions and may suffice in those matters which it covers.
- c) However, if the labeling of the pesticide requires the physical presence of the certified technician at the site of application, then paragraph (b)(3) of this Section shall not apply in lieu of paragraph (b)(2).
- a) Each non-certified technician using any pesticide under the Act for commercial structural pest control shall be under the supervision of a certified structural pest control technician employed at the business location who shall be responsible for the non-certified technician's pest control activities.
- b) Each non-certified technician using any restricted pesticide under this Act for non-commercial structural pest control shall be under the supervision of a certified structural pest control technician employed at the business location who shall be responsible for the

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non-certified technician's pest control activities.

- c) Any technician providing supervision for the use of restricted pesticides must be certified in the subcategory for which the technician is providing supervision.

d) The physical presence of the supervising certified technician is required in the immediate area of the work site when:

- 1) required by the pesticide labeling; or
- 2) the non-certified technician has not had the minimum on-the-job training with a supervising certified technician. At a minimum, on-the-job training requires at least two previous supervised uses of the same type of a pesticide at a similar work site as verified by records kept in accordance with Section 830.820 of this Part; and

3) in other situations where required by the Act or this Part.

- e) If the physical presence of the supervising certified technician is not required at the work site as specified in Section 830.270(d) above, then:

- 1) a copy of the label for the pesticide used shall be available for immediate review by the non-certified technician; and
- 2) the supervising certified technician must be able to have direct voice contact, or immediate voice contact by telephone or radio, with the non-certified technician at all times during the application; and
- 3) the supervising certified technician shall be able to be physically on the work site within one hour should the need arise.

f) In instances where labeling instructions provide more stringent requirements regarding direct supervision than those listed above, the more stringent requirements shall be followed.

g) In all cases of supervision, the certified technician shall give the non-certified technician any site or pesticide specific instructions necessary to prevent the misuse of a pesticide.

(Source: Amended at 13 Ill. Reg. 2090, effective February 3, 1989)

Section 830.280 Inspections and Investigations (Repealed)

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a) Inspections and investigations shall be conducted by authorized representatives of this Department as deemed necessary, as provided by the Act.

b) After proper identification by the representative of this Department, the representative shall state the purpose of such inspection or investigation and give written notice to the licensee, registrant, certified technician, business or person stating the purpose of such inspection or investigation as follows:

- 1) Determine the licensure or registration status of any person engaged in structural pest control at or from a commercial or non-commercial structural pest control business location.
- 2) Determine the certification status of individuals applying restricted pesticides.
- 3) Investigate complaints or injury to humans and property associated with the use of pesticides, and collect samples when necessary.
- 4) Determine compliance with the Act and rules promulgated thereunder.

e) The notice shall be signed by the Department's representative. The notice being served upon a person should be signed by said person.

d) If a violation is identified during the course of inspection or investigation, the Department shall serve written notice of such violation in accordance with the Act.

(Source: Repealed at 13 Ill. Reg. 2090, effective February 3, 1989)

Section 830.290 Classification of Pesticides

Any pesticide registered with the USEPA, other than those classified for restricted use, shall be considered to be a general-use pesticide for the purposes of the administration of the Act and this Part.

(Source: Added at 13 Ill. Reg. 2090, effective February 3, 1989)

Section 830.300 Application for Certification in Illinois as a Structural Pest Control Technician by Reciprocity

a) An individual classified as a certified structural pest control technician, or applicator, in another state, may obtain Illinois certification as a structural pest control technician providing:

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- 1) the State in which the applicant is certified has certification requirements substantially equal to those of the State of Illinois; and
- 2) the individual was a resident of the state where original certification was obtained.
- b) Illinois reciprocal certification shall be by examination unless a formal agreement exists between both states. In addition, an individual shall only be allowed to obtain reciprocal certification in the areas or categories for which he/she was certified in the other state.
- c) An applicant desiring to obtain reciprocal certification shall have the state in which he/she is certified submit a letter on agency letterhead to the Department which includes the following information:
 - 1) Name and address of applicant.
 - 2) Employer name and address.
 - 3) Classification of certification (commercial for hire, commercial not-for-hire, etc.).
 - 4) Certificate I.D. number and license I.D. number.
 - 5) Date first certified/licensed.
 - 6) Date of certification/license expiration.
 - 7) Categories for which the individual is certified along with a brief description of each category.
 - 8) Overall certification status (legal action against certificate/license holder in the past or present, etc.).
- d) An applicant who has received approval for reciprocal certification pursuant to this Section will then be required to complete the applications for certification as a structural pest control technician and submit them to the Department in accordance with Section 830.120.

(Source: Added at 13 Ill. Reg. 2090, effective February 3, 1989)

Section 830.310 Display of License, Registration and Certification

- a) Each licensed commercial and registered non-commercial structural

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- pest control business location shall display its current business license or registration in a prominent location.
- b) Current technician certificates for each certified technician employed at the business location shall be prominently displayed along side of the business license or registration for that location.
- c) All licenses, registrations and certifications shall be available for review during inspection by the Department.

(Source: Added at 13 Ill. Reg. 2090, effective February 3, 1989)

Section 830.315 Procedures for Certification as a Structural Pest Control Technician in Wood Products Pest Control (Repealed)

- a) An applicant for examination as a certified structural pest control technician to use or oversee the use of restricted wood product pesticides shall file his written application in duplicate with the Department.
- b) The application for certification as a structural pest control technician shall be filed thirty calendar days prior to the examination date on forms provided by the Department. The application contains the following information:
 - 1) Name and home address of the applicant;
 - 2) Name and address of the applicant's employer, if any;
 - 3) Applicant's age and date of birth;
 - 4) Professional experience verification (such as a statement of current and former employers complete with dates of employment);
 - 5) The other sub-categories in which the applicant desires to be examined, if any (see Examination--Section 830.410);
 - 6) Recent photograph of applicant (2-1/2" x 3-1/2"); and
 - 7) Social Security number of applicant.
- e) All applications for examination shall be accompanied by the required fee as specified in Section 9 of the Act.
- d) The examination shall consist of a general standards examination which must be written by all applicants. The general standards examination shall test the knowledge of the applicant in labels, label comprehension, safety, environment, equipment, application-

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techniques, the Act, this Part and FIFRA.

allowed in the examination room.

- e) In addition to the general standards examination, all applicants must be examined in the sub-category of Wood Products-Pest Control. Wood Products-Pest Control includes the use of restricted-use pesticides (fire creosote, pentachlorophenol and inorganic arsenic formulations) to control or prevent wood degradation by wood-destroying organisms which include but are not limited to insects, and the fungi or bacteria which cause surface moldings, staining, sap staining, brown rot, white rot, dry rot and soft rot. Certification in this category is limited to those individuals who work in non-commercial wood treatment plants, or for commercial businesses whose sole function is to treat existing structures or structural components.

(Source: Repealed at 13 Ill. Reg. 2090 effective February 3, 1989)

SUBPART C: EXAMINATIONS

Section 830.400 General Provisions

(Source: Amended at 13 Ill. Reg. 2090, effective February 3, 1989)

- a) The Department shall offer structural pest control certification examinations to persons who engage in or perform structural pest control activities for the control of industrial, institutional, structural and health related pests.

- b) Persons using or supervising the use of restricted pesticides general and restricted pesticides while performing commercial structural pest control (restricted pesticides by individuals performing non-commercial structural pest control) in, on or around structures such as food handling establishments, human dwellings, residences, institutions such as schools, hospitals, industrial establishments including warehouses and grain elevators (excluding those covered by the Illinois Department of Agriculture), and or any other structures and adjacent areas (public or private), or within structural components, and for the protection of stored, processed or manufactured products, shall be required to independently complete a written examination as prescribed herein, unless said individual is working under the supervision of an individual certified in accordance with Section 5 of the Act.

- c) Examinations shall be prepared from suggested study material. A reference list of suggested study material shall be available from the Department upon request.

- d) Examinations shall be independently taken by all applicants at Department designated examination sites without benefit of open books or other examination aids. Study materials shall not be

- e) Each examinee must bring the Department letter confirming the applicant's reservation at a particular testing location as well as a form of identification which contains a current photograph of the applicant (e.g. driver's license, firearms identification card, etc.).

- f) Applicants found cheating (e.g. including but not limited to discussing test material with another individual, looking at someone else's answers, viewing notes in a closed book exam) by the test monitor on any examination shall fail all the examinations taken at the testing site. All testing papers will be surrendered to the Department. The applicant will also be prohibited from applying for Illinois certification for 1 year from the date of the incident.

- g) An applicant shall not be allowed take the same examination more than 4 times in one year.

Section 830.410 Examinations

- a) The examination shall consist of a general core examination which must be written by all applicants. The general core examination shall test the knowledge of the applicant in labels, label comprehension, safety, environment, equipment, application techniques and laws and regulations.
- b) In addition to the general core examination, all applicants must be examined in at least one (1) of the seven (7) sub-categories prescribed herein:
- 1) Any person using or supervising the use of restricted pesticides in commercial structural pest control must be examined in each sub-category, "A" through "G", for which the said person engages in structural pest control.
 - 2) Any applicant engaged in commercial structural pest control may also be examined in sub-categories "E" through "G". Persons who are examined in sub-categories "E" through "G" may not engage in commercial structural pest control unless they are examined in one or more sub-categories "A" through "D" and have complied with the licensure requirements for commercial structural pest control business locations.
 - 3) Any person using or supervising the use of restricted pesticides in non-commercial structural pest control must be

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examined in one of the sub-categories "E" through "G";

4) If a person of a non-commercial structural pest control location engages in or performs structural pest control identified in subsections (5)(B), (6), or (8) below, he must also be examined in each of these sub-categories;

5) The sub-categories of examination are as follows:

a) Examinations for certification as structural pest control technicians are divided into two classifications: General Standards Examination (General Use Pesticides) and Sub-category Examinations (Restricted Use Pesticides).

b) General Standards (General Use Pesticides). The general standards examination shall be written by all applicants and shall test each applicant's general knowledge in the following areas: label and labeling comprehension; safe handling, storage and disposal of pesticides; environmental awareness; types of equipment; application techniques; pests and pesticide formulations; protective clothing and equipment; symptoms of pesticide poisoning; and laws and regulations. Individuals who successfully pass the general standards examination shall be entitled to use or oversee the use of any general use pesticide in accordance with the Act or this Part providing the individual meets the requirements of Section 4 of the Act.

c) Sub-category Examinations (Restricted Use Pesticides). Any individual who satisfactorily passes the general standards examination and meets the requirements as set forth in Section 5B of the Act must satisfactorily be examined in at least one (1) of the eight (8) sub-category examinations listed in subsections (4)(A) through (H) of this subsection before the applicant will be awarded a technician's certificate to use or oversee the use of restricted pesticides within the appropriate sub-category.

1) Any person using or overseeing the use of restricted pesticides while performing commercial structural pest control shall be examined in each sub-category listed in subsections (4)(A) through (D) and (H) of this subsection for which said person performs structural pest control.

2) Any person using or overseeing the use of restricted pesticides while engaging in non-commercial structural pest control shall be examined in one of the sub-categories listed in subsections (4)(A) through (H) of this subsection for which said person performs structural pest control on behalf of the registrant.

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3) Persons who are examined in sub-categories "E" through "G" of this Section shall not engage in commercial structural pest control unless they are examined in one or more of the sub-categories listed in subsections (4)(A) through (D) of this subsection and have complied with the licensure requirements for commercial structural pest control locations as found in the Act and this Part.

4) The sub-category examinations for restricted pesticides are as follows:

A) Insects, Rodents and Other Pests - includes the use or supervision of the use of restricted pesticides other than fumigants, for the prevention and control of:

i) insects, mites, ticks and other related pests, but does not include termites and other wood destroying organisms; and

ii) rats, and mice, squirrels and other rodents; and

iii) bats and other mammalian pests upon consent and permit from the Illinois Department of Conservation, protected mammals (bats, squirrels, skunks, etc.) and other protected animals (snakes, etc.).

B) Termites and Other Wood Destroying Organisms - includes the use or supervision of the use of restricted pesticides other than fumigants, in, on or under a structure, for the prevention or control of termites and other wood destroying organisms.

C) Birds - includes the use or supervision of the use of restricted pesticides for the prevention and control of pest birds such as the English house sparrows, pigeons and starlings in, on or around structures.

D) Fumigation - includes the use or supervision of the use of restricted fumigants for the control of pests in commercial and non-commercial pest control locations including, but not limited to, rail cars, trucks, ships, airplanes, docks and warehouses; and involves general, spot, tarpaulin chamber, vehicle and intransit fumigation.

E) Food Processing, Manufacturing and Storage - includes the use or supervision of the use of restricted pesticides excluding fumigants for the prevention and control of insect and rodent pests associated with the manufacturing,

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processing, packaging or holding of food products for ultimate consumption by man or animals where such products are not served or offered for sale directly to the ultimate consumer.

- F) Institutional and Multi-unit Residential Housing - includes the use or supervision of the use of restricted pesticides excluding fumigants for the prevention and control of insect (excluding termites and other wood destroying organisms) and rodent pests in, on or around nursing homes, hospitals, public housing facilities, state institutions and similar structures.

- G) Public Health Pest Control - includes State, Federal or other governmental employees using or supervising the use of restricted pesticides in public health programs for the prevention and control of pests having medical and public health importance other than mosquitoes.

- H) Wood Products Pest Control - includes the use of restricted use pesticides (i.e. creosote, pentachlorophenol and inorganic arsenical formulations) to control or prevent wood degradation by wood destroying organisms which include but are not limited to insects, and the fungi or bacteria which cause surface molding, surface staining, sap staining, brown rot, white rot, dry rot and soft rot. Certification in this sub-category is limited to those individuals who work in non-commercial wood treatment plants, or for commercial businesses whose function is to treat existing structures or structural components.

(Source: Amended at 13 Ill. Reg. 2090, effective February 3, 1989)

Section 830.420 Examination Schedules (Repealed)

- a) The Department shall schedule and hold at least one examination during each quarter of each calendar year for certification in all sub-categories.
- b) The schedule of examination dates and locations shall be mailed to every licensed, commercial and registered non-commercial structural pest control business location. Additional examinations may be scheduled for special groups or sub-categories as determined by the Department.

(Source: Repealed at 13 Ill. Reg. 2090, effective February 3, 1989)

Section 830.430 Grades

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A technician shall attain a grade of 70 percent or higher on the general examination and in each of one or more of the sub-categories in order to become certified in that sub-category of structural pest control operations.

- a) An examinee shall attain a grade of 70 percent or higher on the general standards examination before a certificate will be issued indicating the applicant's authorization to use or oversee the use of general use pesticides.
- b) A grade of 70 percent or higher shall also be required on each sub-category examination in order for an applicant to become certified to use or oversee the use of restricted pesticides in that sub-category of structural pest control.

(Source: Amended at 13 Ill. Reg. 2090, effective February 3, 1989)

Section 830.440 Notification of Examination Results

- a) Each examinee shall be promptly notified by letter from the Department of Public Health of the results of his examination. An applicant who has successfully passed the general examination and one or more sub-categories shall be issued certification evidencing each sub-category passed. Each examinee shall be notified by letter from the Department of the results of his/her examination. Results will be sent to the applicant's home address.
- b) An applicant who fails the general exam standards examination or any sub-category examination will be notified in writing by the Department, and a receive a re-examination application in the mail with the examination results. will be mailed to the applicant.
- c) An applicant who has successfully passed the general standards examination or the general standards examination and one or more sub-category examinations shall be issued a certificate evidencing the proper certification classification.

(Source: Amended at 13 Ill. Reg. 2090, effective February 3, 1989)

Section 830.450 Confidentiality of Examination Scores

Results of the examination shall not be released by the Department to any person(s) except the examinee or his authorized representative. No test results will be communicated via public service (telephone) the telephone, to anyone other than Department officials.

(Source: Amended at 13 Ill. Reg. 2090, effective February 3, 1989)

Section 830.460 Examinee's Review of Examination

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Applicants may review their examination(s) at the Department's office in Springfield, or at the Regional Office located near the applicant's home, on an individual basis and by appointment only. No person will be permitted to bring any paper, writing instrument or recording device into the review room, nor will anyone be allowed to copy any portion of the examination.

(Source: Amended at 13 Ill. Reg. 2090, effective February 3, 1989)

SUBPART D: PEST CONTROL COURSES

Section 830.500 General Application

a) An educational institution or any other entity which has established or proposes to establish a pest control course to satisfy the educational-pest-control-course certification requirements of Section 5 of the Act, must submit its program to the Department for review and approval, by the Department.

b) Such request shall be submitted to the Department at least 60 days prior to the beginning of the course. Said request shall include:

- 1) a complete outline and description of the subject material including proposed lesson plans, course textbook, handouts, worksheets, laboratory exercises, listing of audiovisual aids and equipment, exam schedules and grading policy;
- 2) the total number of classroom hours required to complete the course (minimum of 60 classroom hours required for course);
- 3) type of audience;
- 4) prerequisites required in order to take course;
- 5) background information and qualifications of speakers; and
- 6) dates and locations where pest control course is to be offered (if applicable).

(Source: Amended at 13 Ill. Reg. 2090, effective February 3, 1989)

Section 830.510 Application (Repealed)

Any educational institution or other entity may apply for approval of a pest control course by written request to the Department and shall include:

- a) a complete description of the subject material;
- b) total hours per subject;

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e) total hours of courses ratio of theoretical to practical training, if applicable;

d) date or dates pest control course or seminar is to be offered, if applicable;

e) and the educational or experience prerequisites, if any, for participants.

(Source: Repealed at 13 Ill. Reg. 2090, effective February 3, 1989)

Section 830.520 Instructors

Any instructor participating in an approved pest control course shall be a certified structural pest control technician, or a pest control specialist in a related field in possession of a college degree from a recognized college or university in one or more fields related to pests and/or pesticides. In addition, any person who has specialized knowledge or experience may be utilized to supplement the program.

(Source: Amended at 13 Ill. Reg. 2090, effective February 3, 1989)

Section 830.530 Pest Control Course Description

Every pest control course shall cover the following subjects:

- a) Label and Labeling Comprehension:
 - 1) The general format and terminology of pesticide labels and labeling;
 - 2) The understanding of instructions, warnings, terms, symbols and other information commonly appearing on pesticide labels;
 - 3) Classification of the product as general or restricted; and
 - 4) Necessity for use consistent with the label.
- b) Safety - Factors including:
 - 1) Pesticide toxicity and hazard to man and common exposure routes;
 - 2) Common types and causes of pesticide accidents;
 - 3) Precautions necessary to guard against injury to applicators and other individuals and property damage in or near treated areas;
 - 4) Need for and use of protective clothing and equipment;

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- 5) Symptoms of pesticide poisoning;
- 6) First aid and other procedures to be followed in case of a pesticide accident; and
- 7) Proper identification, storage, transport, handling and mixing procedures, and disposal methods for pesticides and used pesticide containers, including precautions to be taken to prevent children from having access to pesticides and pesticide containers..
- c) Environment - The potential environmental consequences of the use and misuse of pesticides including the influence of such factors as:
 - 1) ~~Weather-and-other-e~~climatic conditions;
 - 2) Types of terrain, soil or other substrate;
 - 3) Presence of fish, wildlife and other non-target organisms; and
 - 4) Drainage patterns.
- d) Structural Pests - Factors such as:
 - 1) Common features of pest organisms and characteristics of damage needed for pest recognition;
 - 2) Recognition of relevant pests; and
 - 3) Pest development and biology as it may be relevant to problem identification and control.

e) Pesticides, including fumigants - Factors such as:

- 1) Types of pesticides to control insects, rodents, other pests, termites and other wood destroying organisms; birds and other vertebrates;
- 2) Types of formulations;
- 3) Compatibility, synergism, persistence, and animal and plant toxicity of the formulations;
- 4) Hazards and residues associated with use;
- 5) Factors which influence effectiveness or lead to such problems as resistance to pesticides; and

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- 6) Dilution procedures.
- f) Equipment - Factors including:
 - 1) Types of equipment and advantages and limitations of each type; and
 - 2) Uses, maintenance, and calibration.
- g) Application Techniques - Factors including:
 - 1) ~~Methods of procedure~~ used to apply various formulations of pesticides, solutions and gases, together with a knowledge of which technique(s) of application to use in a given situation;
 - 2) Relationship of discharge and placement of pesticides to proper use, unnecessary use and misuse; and
 - 3) Prevention of drift and pesticide loss into the environment.
- h) Laws and Regulations - Applicable State and Federal laws and regulations.
- i) Importance of sanitation in achieving a viable pest management program.
- j) Conditions conducive to structural pest invasion or harborage.
- k) Concepts of Integrated Pest Management.

(Source: Amended at 13 Ill. Reg. 2090, effective February 3, 1989)

Section 830.540 Record of Completion

Each educational institution or other entity whose pest control course has been approved by the Department shall issue a letter or certificate of completion to each enrollee or participant ~~who has successfully completed its completing the course.~~ In addition, the educational institution or other entity ~~may~~ shall file with the Department a copy of the letters, certificates or lists of participants who have successfully completed ~~its the course. with the Department-as-a-matter-pertaining-to-the-personal records-of-such-participant.~~

(Source: Amended at 13 Ill. Reg. 2090, effective February 3, 1989)

Section 830.560 Approval (Repealed)

~~Each educational institution-or-other-entity-whose-pest-control-course-is~~

approved-by-the-Department-shall-receive-a-letter-of-approval-from-the Department.

(Source: Repealed at 13 Ill. Reg. 2090, effective February 3, 1989)

Section 830.570 Disapproval of an Application or Recision of Approval (Repealed)

a) Each educational institution or other entity whose application for approval for a pest control course is denied shall receive a written notice from the Department stating the reason(s) for denial and shall have the right to a hearing before the Department.

b) If the Department, upon evaluation, finds that an approved pest control course is not being conducted in accordance with the approval issued by the Department, the Department shall give written notice of the variation(s) to the educational institution or other entity.

If the conditions stated in the written notice have not been corrected on or before thirty (30) days after the date of issuance of such notice, the Department may rescind its approval of the pest control course. Any educational institution or other entity whose approval has been rescinded shall have the right to a hearing before the Department.

e) A written request for a hearing shall be served upon the Department within twenty (20) days after an application for approval has been denied or an approval has been rescinded. Hearings before the Department shall be in accordance with the Act.

(Source: Repealed at 13 Ill. Reg. 2090, effective February 3, 1989)

SUBPART E: PEST CONTROL TRAINING SEMINARS (RECERTIFICATION)

Section 830.600 General Application

a) In order to satisfy the training seminar requirements of the Act pertaining to recertification (i.e., certification renewal), each educational institution or any other entity which has established or proposes to establish a recertification training seminar on structural pest control shall submit its program to the Department in writing for review and approval.

b) Such request shall be submitted to the Department no later than four weeks prior to the date of the program. The program information shall include:

1) title of program;

2) sponsor;

3) location of program;

4) type of audience;

5) title of each topic listing speakers and amount of time per topic;

6) brief description of each topic;

7) background information and qualifications of each speaker; and

8) total classroom contact hours excluding breaks (a classroom contact hour shall be composed of 60 minutes).

9) Requirements for certification as a structural pest control technician (in accordance with Section 5 of the Act and Section 830.120 of this Part) shall be included in the program brochure in the event Department approval for certification examinations is to be granted.

c) Any seminar sponsor requesting the Department's participation must be submitted for approval no later than 8 weeks prior to the meeting date.

(Source: Amended at 13 Ill. Reg. 2090, effective February 3, 1989)

Section 830.610 Application (Repealed)

Any educational institution or other entity may apply for approval of a pest control training seminar by written request to the Department. Such request shall include:

a) a complete description of the subject material;

b) total hours of the seminar; and if available;

c) the date(s) and location(s) the pest control seminar is to be offered.

(Source: Repealed at 13 Ill. Reg. 2090, effective February 3, 1989)

Section 830.620 Instructors

Each instructor participating in an approved pest control recertification

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training seminar shall be a certified structural pest control technician or pest control specialist. ~~in possession of a college degree from a recognized college or university in one or more fields related to pests and/or pesticides. In addition, any person who has specialized knowledge or experience may be utilized to supplement the program~~

submitted to the Department in lieu of a copy of the letter or certificate which was issued to the participant. The list shall include the following:

1) information pertaining to the seminar (i.e., title, dates and locations of seminar, sponsoring agency);

2) participant's name;

3) participant's Illinois certification number (052-);

4) date of certificate expiration;

5) participant's home address; and

6) employer's name and address.

c) Notification shall be filed with the Department no later than 45 calendar days after the conclusion of the seminar. An individual must attend all classroom portions pertaining to the seminar in order to receive credit.

(Source: Amended at 13 Ill. Reg. 2090, effective February 3, 1989)

Section 830.650 Pest Control Seminar Evaluation

The Department, upon written notification, to the person or group holding the seminar, the Department may will evaluate an approved recertification training seminar in on structural pest control to determine the level of the ongoing effectiveness of the pest control course or training seminar.

(Source: Amended at 13 Ill. Reg. 2090, effective February 3, 1989)

Section 830.660 Approval (Repealed)

Each educational institution or other entity whose pest control training seminar is approved by the Department shall receive a letter of approval from the Department.

(Source: Repealed at 13 Ill. Reg. 2090, effective February 3, 1989)

Section 830.670 Disapproval of an Application or Recision of Approval (Repealed)

a) Each educational institution or other entity whose application for approval of a pest control training seminar is denied shall receive a written notice from the Department stating the reason(s) for denial

(Source: Amended at 13 Ill. Reg. 2090, effective February 3, 1989)

Section 830.630 Pest Control Seminars

Pest control seminars shall cover one or more categories outlined in Section 830.530.

a) Pest control recertification training seminars shall be a minimum of 1 day (7 classroom contact hours excluding breaks) and shall cover one or more categories as outlined in Subpart D, Section 830.530.

b) Sponsors shall incorporate audio-visual aids, handouts and/or demonstrations into their programs to help assure audience attentiveness and comprehension. In addition, a written evaluation form provided by the Department shall be included for completion by all participants. The evaluation form shall be utilized by the seminar sponsor in order to improve seminar content and presentation.

c) The seminar sponsor shall be responsible for notifying all interested participants of the seminar date(s) and location.

(Source: Amended at 13 Ill. Reg. 2090, effective February 3, 1989)

Section 830.640 Record of Completion

Each educational institution or other entity whose pest control training seminar has been approved by the Department shall issue a letter or certificate of completion to each enrollee or participant who has successfully completed such seminar. In addition, the educational institution or other entity may file a copy of the letter(s) certificate(s) of participants who have successfully completed its seminar with the Department as a matter pertaining to the personal record of such participants.

a) Each educational institution or other entity whose pest control recertification training seminar has been approved by the Department shall issue a letter or certificate of completion to each enrollee or participant who successfully completes the seminar.

b) Each educational institution or other entity shall submit a copy of the letter or certificate for each individual who has successfully completed the seminar to the Department. A typed listing of those individuals who have satisfactorily completed the seminar may be

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and shall have the right to a hearing before the Department.

- b) If the Department, upon evaluation, finds that an approved pest control training seminar is not being conducted in accordance with the approval issued by the Department, the Department shall give written notice of the violation(s) to the educational institution or other entity. If the conditions stated in the written notice have not been corrected on or before thirty (30) days after the date of issuance of such notice, the Department may rescind its approval of the pest control training seminar. Any educational institution or other entity whose approval has been rescinded shall have the right to a hearing before the Department.

- e) A written request for a hearing shall be served upon the Department within twenty (20) days after an application for approval has been denied or an approval has been rescinded. Hearings before the Department shall be in accordance with the Act.

(Source: Repealed at 13 Ill. Reg. 2090, effective February 3, 1989)

SUBPART F: HEARINGS

Section 830.700 Hearings

The Illinois Administrative Procedure Act (Ill. Rev. Stat. 1983, ch. 127, par. 101-107) is applicable and shall govern all hearings. All hearings held pursuant to this Part shall be in accordance with the Act and the Department's Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100).

(Source: Amended at 13 Ill. Reg. 2090, effective February 3, 1989)

SUBPART G: SAFE PESTICIDE STORAGE AND HANDLING

Section 830.800 General Safety Precautions

- a) No person shall mix pesticides in any container using water from any water supply which is not adequately protected against back-siphonage by a minimum air gap of 2 inches between the water discharge outlet and the flood rim of the container. When the pesticide application equipment is manufactured to draw water through a direct connection with the water supply, a backflow preventer or vacuum breaker device approved by the Illinois Plumbing Code shall be installed between the water supply and the pesticide application equipment.

- b) No person shall mix or operate equipment for the application of pesticides, including such auxiliary equipment as hoses and metering devices, in such condition or in such manner as to create a hazard

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from leaking, spilling, dripping, backflow, vapors or drift.

- c) No person shall loan, rent, or permit the use of pesticide application equipment which is faulty in any fashion as described in Section 830.800(b) above or which has not been cleaned in a manner to prevent the misuse of a pesticide as described in Section 830.810 of this Part.

- d) Each licensee or registrant shall advise all service technicians within their employ of the hazards associated with the handling of pesticides, as well as the special hazards involved with those pesticides with which a technician might come into contact, and shall instruct those technicians in the appropriate precautions in order to avoid those hazards.

- e) Any necessary safety equipment as set forth in the pesticide labeling and this Part shall be provided by each licensee or registrant.

- f) No person shall apply any pesticide formulation as a liquid, aerosol, fog, mist, dust or powder in any area where food is exposed, except for the application of an appropriately labeled liquid or aerosol pesticide applied as a crack and crevice treatment through a small hollow injection tube placed directly into the target site below the level of the exposed food or food contact surfaces, unless the pesticide label contains more restrictive directions. In all other applications of the above pesticide formulations in food areas, the following conditions must be met.

- 1) Prior to treatment, all exposed food and food contact surfaces shall be effectively protected against pesticide contamination.

- 2) People without appropriate respiratory protection shall not be allowed in the same room where the application of an aerosol, mist, fog, dust or powder has been sprayed into the air until the room has been ventilated according to label directions or, in their absence, manufacturer's recommendations.

- 3) Any additional safety precautions or directions as detailed on the pesticide label or labeling must be accomplished prior to treatment.

- g) No person shall apply any liquid, aerosol, mist, fog, dust or powder pesticide formulation to patient areas or rooms of health care facilities (i.e., nursing homes, mental health facilities, hospitals, etc.) while patients are present in the areas or rooms. At the end of the pesticide application, the pest control technician shall post a legibly completed sign at all entrances to the treated

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room or area which shall warn unauthorized individuals to remain out of the treated area for the specified amount of time as determined by reviewing the pesticide label directions or, in their absence, by consulting the pesticide manufacturer. The sign shall contain black letters on a yellow background and be the same size, or larger, and contain the same information in the same proportion as that found in ILLUSTRATION A. In addition, the pest control technician shall give a copy of the following materials to the person responsible for patient care in the treated areas:

- 1) A copy of the information contained on the signs;
- 2) A copy of the label for each pesticide used;
- 3) A Material Safety Data Sheet for each pesticide used;
- 4) Manufacturer's recommendations for re-entry times and procedures when not addressed on the pesticide label.

At the end of the treatment period, the pest control technician shall make certain by onsite inspection that the ventilation procedures have been initiated in the treated room or area in accordance with label directions or, in their absence, manufacturer's recommendations for the pesticides used in the room or area. In the event that ventilation times are not stated on the pesticide label and not provided by the manufacturer, the ventilation period shall last for a minimum of 2 hours.

(Source: Added at 13 Ill. Reg. 2090, effective February 3, 1989)

Section 830.820 Records

a) Certified technicians, when applying restricted pesticides, shall keep and maintain records of such application for a period of two years indicating the amounts, kinds, purpose(s), date(s) and address(es) of application where restricted pesticides are applied.

b) Such records shall be available for inspection by the representatives of the Department in accordance with the provisions prescribed in the Act.

a) Each commercial structural pest control business location shall be required to keep records of all pesticide applications for a minimum period of 2 years.

b) Each non-commercial structural pest control business location shall be required to keep records of all restricted pesticide applications at the location for a minimum period of 2 years.

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c) The certified technician responsible for using pesticides, or overseeing the use of pesticides by non-certified personnel, shall provide written verification (i.e. signature and certification number) of review for all pesticide records to determine compliance with this Section.

d) Records of restricted pesticide usage shall be kept separate from those pertaining to general pesticide usage and both shall include the following:

- 1) name and address of customer or site of application;
- 2) name of technician applying the pesticide;
- 3) date of application;
- 4) target pest or purpose for the application;
- 5) pesticide use recorded in the following manner:
 - A) Brand or common name,
 - B) USEPA Registration Number,
 - C) Percent active ingredient in the finished product,
 - D) An estimate of the amount of finished product used.

e) All records except those for the week prior to the inspection shall be kept at the business location and be available for inspection by the Department in accordance with the provisions prescribed under the Act and this Part.

(Source: Amended at 13 Ill. Reg. 2090, effective February 3, 1989)

Section 830.830 Pesticide Storage Area

All pesticides utilized by commercial/non-commercial pest control locations shall be stored in an area which will hold normal stocks in an orderly fashion. Said pesticide storage area shall house all pesticides, except those offered for retail sale to the public or transported or temporarily stored in service vehicles, and be:

a) Dry, cool, and constructed so as to protect pesticides from direct sunlight exposure or adverse temperature extremes. The temperature in the pesticide storage area shall be controlled according to the pesticide manufacturer's recommendations or label directions.

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- b) Located in an area not accessible to unauthorized individuals.
- c) Equipped with a door which is locked when unattended. The door or entrance to the storage area shall have a sign which warns individuals that pesticides are stored inside. Only those individuals with training in pesticide use and handling shall be allowed access to the storage area.
- d) Ventilated to the outside so as to prevent the build-up of chemical odors, gases or vapors in the storage area, as well as any structure housing the storage area. Ventilation accomplished through mechanical means shall be operated in such a manner so as to prevent the discharged air or vaporized fumes from being introduced into an area frequented by the public.
- e) Equipped with lighting to allow pesticide labels to be clearly read.
- f) Equipped with an operational fire extinguisher which is appropriate for the pesticides stored therein.
- g) Equipped with washing facilities in the room, or nearby, which include soap or detergent, water, and disposable towels.
- h) Equipped with absorbent material such as absorbent clay, or similar material, capable of absorbing small spills and leaks.
- i) Any safety equipment required by labeling or this Part shall be available to workers for use in this area. Such equipment shall not be stored within the storage area.

j) Equipped with emergency medical information including telephone numbers for poison control centers.

k) Equipped with a label file for those pesticides stored therein.

(Source: Added at 13 Ill. Reg. 2090, effective February 3, 1989)

Section 830.840 Service Vehicles

Service vehicles used to transport and/or temporarily store pesticides shall be:

- a) Locked at all times while unattended or not in a locked garage. No pesticide product shall be left in an accessible manner in an unattended vehicle.
- b) Equipped with a restraining device to prevent pesticide containers from becoming damaged while in transit.

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- c) Equipped with absorbent material such as absorbent clay, or similar material, capable of absorbing small spills and leaks.
- d) Equipped with protective clothing and equipment appropriate for the pesticides stored or transported in the vehicle.
- e) Equipped with a basic first aid kit which shall include information regarding practical treatment for pesticide poisonings and emergency medical information including telephone numbers for poison control centers.
- f) Equipped with a pesticide label for each pesticide transported or temporarily stored in the service vehicle.
- g) Equipped with a complete change of clothing (including shoes) for use in the event that the pesticide applicator's garments are accidentally contaminated while using a pesticide. Clothing shall be stored in the vehicle so as to prevent pesticide contamination.

(Source: Added at 13 Ill. Reg. 2090, effective February 3, 1989)

Section 830.850 Pesticide Storage Practices

All pesticides utilized by commercial or non-commercial pest control business locations and their employees shall be stored according to labeling instructions. The following practices are intended to supplement labeling instructions. Where there is a discrepancy between labeling instructions and the following practices, the more stringent instructions shall prevail.

- a) Except as noted below in subsection (b), all pesticides shall be stored in closed, original containers, free from severe corrosion (e.g. rusted so as to affect the integrity of the containers; leaking) and pesticide contamination. The container, except 55 gallon drums, shall be stored on pallets, racks, shelves, or cabinets with the label plainly visible. Lost or damaged labels shall be replaced with an approved sample label obtained from the pesticide manufacturer or distributor, and fastened to the container. Damaged containers other than fumigants shall be replaced with identically labeled containers or, if not available, a properly labeled service container for temporary storage or transport.

- b) Service containers shall only be utilized to temporarily store or transport a pesticide concentrate or registered ready-to-use product providing the following conditions are met:

- 1) The service container shall bear a legible label which includes the following information:

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- A) the name, address and telephone number of the commercial or non-commercial location using the product;
- B) the product name and USEPA registration number;
- C) the name and percentage of active ingredients;
- D) the signal word for the registered label;
- E) mixing instructions as well as the working dilution (if applicable);
- F) the phrase "KEEP OUT OF REACH OF CHILDREN"; and
- G) a Statement of Practical Treatment; or
- 2) A copy of the current USEPA approved label for the registered pesticide attached to the service container along with the information presented in Section 830.850(b)(1)(A).
- 3) A service container shall be closed when not in use, clean so as to prevent the misuse of a pesticide as described in Section 830.810 of this Part, and non-leaking.
- c) Pesticides used for structural pest control shall be segregated from all other pesticides.
- d) Fumigants shall not be stored within any human dwelling or attached structure.
- e) Restricted use pesticides shall be stored in the locked storage area segregated from all other pesticides. The area shall be identified by a placard stating "RESTRICTED USE PESTICIDES - Authorized Use Only" in black letters on a yellow background. The sign shall be the same size, or larger, and contain the same information in the same proportion as that found in Illustration B.
- f) Non-restricted pesticides with a signal word "DANGER" on the label shall be kept segregated from other pesticides.
- g) Pesticides which cannot be used because of suspension by USEPA or regulatory action by the Illinois Department of Agriculture and/or this Department shall be marked as such and segregated from other stocks so that they are not used.
- h) No pesticide shall be stored in any food or beverage container or in the same room, or passenger area of a service vehicle, where food, eating utensils, beverages, tobacco products or household goods are

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stored, except for closed food or feed containers used only for unmix bait. Each such bait container shall be marked in a plainly visible manner, "DO NOT EAT - USE FOR BAIT ONLY." Such bait container must be stored in the locked area with the pesticides to prevent unauthorized access.

(Source: Added at 13 Ill. Reg. 2090, effective February 3, 1989)

Section 830.860 Orders to Stop Sale, Use, Seize or Regulate Removal

- a) The Department shall issue a written order to stop the sale, use or regulate the removal of any pesticide or device used in structural pest control which is sold, distributed, stored or used in violation of any provision of the Act and this Part, as well as the Illinois Pesticide Act and the rules pertaining to Pesticide Control, and FIFRA. The Department shall also have the authority to issue a written order to seize any pesticide used, sold, stored or distributed for structural pest control when continued use, sale, storage or distribution poses a threat to the health and safety of the residents of this State.
- b) Said order shall be issued to the person in charge of any such pesticide or device. If the person in charge is not available for service of the order, the order will be attached to the pesticide or device.
- c) Any pesticide or device affected by the order shall not be offered for sale, distribution or use until the conditions specified in the order have been met and the order lifted by the Department, the Illinois Department of Agriculture or USEPA.
- (Source: Added at 13 Ill. Reg. 2090, effective February 3, 1989)
- Section 830.870 Hazardous Incident Notification and Abatement**
- a) Any licensee, registrant or certified technician shall notify the Department within one (1) business day of becoming aware of any of the following incidents allegedly caused by the use of pesticides under their control.
- 1) Illness or death of humans, pets, or non-target wildlife.
 - 2) Food or water contamination.
 - 3) Any health threatening contamination of a structure or the environment.
- b) The licensee, registrant or certified technician shall take whatever

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steps are necessary (e.g. removing contaminated articles from the treatment site, cleaning up a spill according to label directions or manufacturer's recommendations, ventilating an area to eliminate odors from the application area, etc.) in order to abate any imminent health threat resulting from the use of pesticides under their control.

(Source: Added at 13 Ill. Reg. 2090, effective February 3, 1989)

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Section 830. ILLUSTRATION A WARNING SIGN - PESTICIDE TREATMENT & VENTILATION

WARNING

Pesticide

Treatment / Ventilation

Do NOT Enter Until:

Time

: :

am
pm

Date

/ /

Company

Address

Phone

(Source: Added at 13 Ill. Reg. 2090, effective February 3, 1989)

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Section 830. ILLUSTRATION B RESTRICTED USE PESTICIDE SIGN

RESTRICTED**USE****PESTICIDES****Authorized Use
Only**

(Source: Added at 13 Ill. Reg. 2090, effective February 3, 1989)

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ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: Racing, Farm, Corporate or Stable Name
- 2) Code Citation: 11 Ill. Adm. Code 1308
- 3) Section Numbers: Adopted Action:
1308.20 Amendment
1308.30 New Section
1308.40 New Section
- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch.8, pars 37-9(b), 37-15.
- 5) Effective Date of Amendments: February 3, 1989
- 6) Does this rulemaking contain an automatic repeal date?
Yes ☒ No ☐
- 7) Does this amendment contain incorporations by reference? No.
- 8) Date Filed in Agency's Principal Office: December 17, 1988
- 9) Notice of Proposed Rulemaking Published in Illinois Register:
12 Ill. Reg. 17766, November 4, 1988
- 10) Has JCAR issued a Statement of Objections to this rule? Yes
If answer is "yes", please complete the following:
A) Statement of Objection: January 27, 1989, 13 Ill. Reg. 1268
B) Agency Response: February 17, 1989 13 Ill. Reg. 2167
C) Date Agency Response Submitted for Approval to JCAR: January 17, 1989
- 11) Difference between proposal and final version: Section 1308.30 was amended to state:

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"Such materials shall consist of the name, social security number, fingerprints, or other material required by an applicant for an owner's license."

Section 1308.40 was amended to state:

"Such materials shall consist of the name, social security number, fingerprints, or other material required of an applicant for an owner's license."

The Authority citation was updated to 1987.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.

13) Will this amendments replace an emergency amendment currently in effect? No.

14) Are there any amendments pending on this Part? No.

15) Summary and Purpose of Amendments:

This rulemaking establishes procedures for licensing of partnerships and corporations, and their partners and shareholders, who own horses.

16) Information and questions regarding this adopted amendment shall be directed to:

Name: Michael B. McClure
Board Counsel
Address: State of Illinois Center
Illinois Racing Board
Suite 11-100
100 West Randolph Street
Chicago, Illinois 60601

Telephone: (312) 917-2600

The full text of the Adopted Amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING

CHAPTER I: ILLINOIS RACING BOARD

SUBCHAPTER f: RULES AND REGULATIONS OF HARNESS RACING

PART 1308

RACING, FARM, CORPORATE OR STABLE NAME

Section
1308.10 Racing, Farm, Corporate or Stable Name
1308.20 Stable Name and ~~Partnership Limitations~~
1308.30 Partnerships
1308.40 Corporations

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 (Ill. Rev. Stat. 1979, ch.8, par. 37-9(b)).

SOURCE: Published in Rules and Regulations of Harness Racing, (original date not cited in publication); codified at 5 Ill. Reg. 10930; amended at 13 Ill. Reg. 2156, effective February 3, 1989.

Section 1308.20 Stable Name and ~~Partnership Limitations~~

a) Any horse that is owned by more than one person, or one partnership, must be stabled in one stable and registered only under its own stable name with appropriate fees paid.

b) ~~No more than 10 persons may be partners in the ownership of one horse.~~

(Source: Amended at 13 Ill. Reg. 2156, effective February 3, 1989.)

Section 1308.30 Partnerships

All partners of a general partnership shall be licensed as owners. In the case of a limited partnership all general partners and limited partners owning a 5% or more interest in the limited partnership shall be licensed as owners. This shall apply to all partnerships owning any interest in a horse. All non-licensed partners shall be eligible for licensure. Any non-licensed partner shall submit application

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materials sufficient for the Board to verify this status whenever the stewards have determined that it is more probable then not that such person is ineligible for licensure. Such materials shall consist of the name, social security number, fingerprints or other material required of an applicant for an owner's license. If any non-licensed partner is ineligible for licensure then all partners and the partnership shall be ineligible for licensure.

(Source: Added at 13 Ill. Reg. 2156, effective February 3, 1989.)

Section 1308.40 Corporations

All officers, directors and shareholders owning 5% or more of any class of a stock of a corporation shall be licensed as owners. This shall apply to all corporations owning any interest in a horse. All non-licensed shareholders shall be eligible for licensure. Any non-licensed shareholder shall submit application materials sufficient for the Board to verify this status whenever the stewards have determined it is more probable than not that such person is ineligible for licensure. Such materials shall consist of the name, social security number, fingerprints or other material required of an applicant for an owner's license. If any non-licensed shareholder is ineligible for licensure then all officers, directors, shareholders and the corporation shall be ineligible for licensure.

(Source: Added at 13 Ill. Reg. 2156, effective February 3, 1989.)

DEPARTMENT OF AGRICULTURE

NOTICE OF PEREMPTORY AMENDMENTS

1) The Heading of the Part: Meat and Poultry Inspection Act

2) The Code Citation: 8 Ill. Adm. Code 125

3) Section Numbers: Peremptory Action:
125.305 Amended

4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute Which Requires this Peremptory Rulemaking: 54 FR 1328 (1989), The Meat and Poultry Inspection Act (Ill. Rev. Stat. 1987, ch. 56 1/2, par. 316), the Federal Meat Inspection Act (21 U.S.C.A. 661, 1972 and West Supp. 1973-1988).

5) Statutory Authority: The Meat and Poultry Inspection Act (Ill. Rev. Stat. 1987, ch. 56 1/2, par. 316).

6) Effective Date: February 13, 1989

7) A Complete Description of the Subjects and Issues Involved:

In order to maintain an "equal to" status with the federal meat inspection program as required by the Federal Meat Inspection Act and in compliance with Section 16 of The Meat and Poultry Inspection Act, changes in the federal rules relative to meat inspection are hereby adopted.

The amendments to 9 CFR 352 provide for post-mortem and products inspection of certain exotic animals, such as elk, deer, antelope, reindeer and water buffalo in the same manner as is presently performed for American bison. The federal rule previously addressed inspection of American bison, catalo, and cattalo, and the inspection of these animals continues to be address in the revised rule.

The exotic animal producer will need to decide if the ability to market an inspected product offsets the costs of the inspection.

8) Does this rulemaking contain an automatic repeal date? No

9) Date Filed in Agency's Principal Office: January 30, 1989

10) This rule is in compliance with Section 5.03 of the Illinois Administrative Procedure Act.

11) Are there any proposed amendments pending to this Part? Yes	
Section Numbers	Proposed Action Illinois Register citation
125.60 Amend	12 Ill. Reg. 19111, Nov. 18, 1988
125.80 Amend	12 Ill. Reg. 19211, Nov. 18, 1988

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NOTICE OF PEREMPTORY AMENDMENTS

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12) Statement of Statewide Policy Objectives: Rulemaking does not affect units of local governments.

13) Information and questions regarding this adopted amendment shall be directed to:

Name: Donna Garman
Address: Department of Agriculture, State Fairgrounds, Springfield,
Illinois 62794-9281
Telephone: 217/782-2172

The full text of the Peremptory amendments begins on the next page:

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER c: MEAT AND POULTRY INSPECTION ACT

PART 125
MEAT AND POULTRY INSPECTION ACT

SUBPART A: GENERAL PROVISIONS FOR BOTH MEAT AND/OR
POULTRY INSPECTION

Section	Definitions
125.10	Incorporation by Reference of Federal Rules
125.20	Application for License; Approval
125.30	Official Number
125.40	Inspections; Suspension or Revocation of License
125.50	Administrative Hearings; Appeals
125.60	Assignment and Authority of Program Employees
125.70	Schedule of Operations; Overtime
125.80	Official Marks of Inspection, Devices and Certificates
125.90	Records and Reports
125.100	Exemptions
125.110	Disposal of Dead Animals and Poultry
125.120	Reportable Animal and Poultry Diseases
125.130	Detention; Seizure; Condemnation
125.140	

SUBPART B: MEAT INSPECTION

Section	Livestock and Meat Products Entering Official Establishments
125.150	Equine and Equine Products
125.160	Facilities for Inspection
125.170	Sanitation
125.180	Ante-Mortem Inspection
125.190	Post-Mortem Inspection
125.200	Disposal of Diseased or Otherwise Adulterated Carcasses and Parts
125.210	Humane Slaughter of Animals
125.220	Handling and Disposal of Condemned or Other Inedible Products at Official Establishment
125.230	Rendering or Other Disposal of Carcasses and Parts Passed for Cooking
125.240	Marking Products and Their Containers
125.250	Labeling, Marking and Containers
125.260	Entry into Official Establishment; Reinspection and Preparation of Product
125.270	

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NOTICE OF PEREMPTORY AMENDMENTS

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125.280 Meat Definitions and Standards of Identity or Composition
 125.290 Transportation
 125.300 Special Services Relating to Meat and Other Products
 125.305 Exotic Animal ~~Buffale~~ Inspection

SUBPART C: POULTRY INSPECTION

Section
 125.310 Application of Inspection
 125.320 Facilities for Inspection
 125.330 Sanitation
 125.340 Operating Procedures
 125.350 Ante-Mortem Inspection
 125.360 Post-Mortem Inspection; Disposition of Carcasses and Parts
 125.370 Handling and Disposal of Condemned or Inedible Products at Official Establishments
 125.380 Labeling and Containers
 125.390 Entry of Articles Into Official Establishments; Processing Inspection and Other Reinspections; Processing Requirements
 125.400 Definitions and Standards of Identity or Composition
 125.410 Transportation; Sale of Poultry or Poultry Products

AUTHORITY: Implementing and authorized by The Meat and Poultry Inspection Act (Ill. Rev. Stat. 19875, ch. 56 1/2, par. 301 et seq.) as amended by P.A. 85-246, effective September 2, 1987) and The Civil Administrative Code of Illinois (Ill. Rev. Stat. 19875, ch. 127, par. 16).

SOURCE: Adopted at 9 Ill. Reg. 1782, effective January 24, 1985; peremptory amendment at 9 Ill. Reg. 2337, effective January 28, 1985; peremptory amendment at 9 Ill. Reg. 2980, effective February 20, 1985; peremptory amendment at 9 Ill. Reg. 4856, effective April 1, 1985; peremptory amendment at 9 Ill. Reg. 9240, effective June 5, 1985; peremptory amendment at 9 Ill. Reg. 10102, effective June 13, 1985; peremptory amendment at 9 Ill. Reg. 11673, effective July 17, 1985; peremptory amendment at 9 Ill. Reg. 13748, effective August 23, 1985; peremptory amendment at 9 Ill. Reg. 15575, effective October 2, 1985; peremptory amendment at 9 Ill. Reg. 19759, effective December 5, 1985; peremptory amendment at 10 Ill. Reg. 447, effective December 23, 1985; peremptory amendment at 10 Ill. Reg. 1307, effective January 7, 1986; peremptory amendment at 10 Ill. Reg. 3318, effective January 24, 1986; peremptory amendment at 10 Ill. Reg. 3880, effective February 7, 1986; peremptory amendment at 10 Ill. Reg. 11478, effective June 25, 1986; peremptory amendment at 10 Ill.

Reg. 14858, effective August 22 1986; peremptory amendment at 10 Ill. Reg. 15305, effective September 10, 1986; peremptory amendment at 10 Ill. Reg. 16743, effective September 19, 1986; peremptory amendment at 10 Ill. Reg. 18203, effective October 15, 1986; peremptory amendment at 10 Ill. Reg. 19818, effective November 12, 1986; peremptory amendment at 11 Ill. Reg. 1696, effective January 5, 1987; peremptory amendment at 11 Ill. Reg. 2930, effective January 23, 1987; peremptory amendment at 11 Ill. Reg. 9645, effective April 29, 1987; peremptory amendment at 11 Ill. Reg. 10321, effective May 15, 1987; peremptory amendment at 11 Ill. Reg. 11184, effective June 5, 1987; peremptory amendment at 11 Ill. Reg. 14830, effective August 25, 1987; peremptory amendment at 11 Ill. Reg. 18799, effective November 3, 1987; peremptory amendment at 11 Ill. Reg. 19805, effective November 19, 1987; peremptory amendment at 12 Ill. Reg. 2154, effective January 6, 1988; amended at 12 Ill. Reg. 3417, effective January 22, 1988; peremptory amendment at 12 Ill. Reg. 4879, effective February 25, 1988; peremptory amendment at 12 Ill. Reg. 6313, effective March 21, 1988; peremptory amendment at 12 Ill. Reg. 6819, effective March 29, 1988; peremptory amendment at 12 Ill. Reg. 13621, effective August 8, 1988; peremptory amendment at 12 Ill. Reg. 19116, effective November 1, 1988; peremptory amendment at 12 Ill. Reg. 20894, effective December 21, 1988; peremptory amendment at 13 Ill. Reg. 228, effective January 11, 1989; peremptory amendment at 13 Ill. Reg. 2160, effective February 13, 1989.

SUBPART B: MEAT INSPECTION

Section 125.305 Exotic Animal ~~Buffale~~ Inspection

- a) With regard to the inspection and processing of exotic animals ~~buffale~~, the Department incorporates by reference 9 CFR 352.1, 352.3, 352.11, 352.12, 352.13, 352.14, 352.15, and 352.17 (1987; 54 FR 1328, effective February 13, 1989).
- b) The Department incorporates by reference 9 CFR 352.7 (1987; 54 FR 1328, effective February 13, 1989), except that the description of the official inspection legend and brand shall be as described in Section 125.90.
- c) References in the incorporated language to 9 CFR 304, 317, 309, 310, 311, 314, 318, 320, and 325 shall be interpreted as references to the provisions in Sections 125.30, 125.250, 125.190, 125.200, 125.210, 125.230, 125.270, 125.100 and 125.290 respectively.

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- d) References in the incorporated language to 9 CFR 313 shall be interpreted as references to Section 125.220.

(Source: Peremptory amendment at 13 Ill. Reg. 2160, effective February 13, 1989)

DEPARTMENT OF AGRICULTURE

NOTICE OF WITHDRAWAL OF PROPOSED AMENDMENTS

- 1) The Heading of the Part: Definitions

- 2) Code Citation: 8 Ill. Adm. Code 20

- 3) Section Number: Proposed Action:

20.1

Withdrawal of Amendments

- 4) Date Notice of Proposed Amendments Were Published in the Illinois Register:

November 18, 1988,

12

Ill. Reg.

19178

- 5) Reason for the Withdrawal:

As of the date of the public hearing on this proposed rulemaking, the Chicago-Joliet Marketing Center was still operating. Therefore, removing reference to that public stockyards was deemed premature by the Advisory Board of Livestock Commissioners and the Department of Agriculture.

Updating references to Federal rules will be done at a later date.

NOTICE OF REFUSAL
TO MEET OBJECTIONS OF JOINT COMMITTEE
ON ADMINISTRATIVE RULES

OFFICE OF THE STATE FIRE MARSHAL
NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

1. Heading of the Part: Racing, Farm, Corporate or Stable Name
2. Code Citation: 11 Ill. Adm. Code 1308
3. Sections Involved:
1308.20 Amendment
1308.30 New Section
1308.40 New Section
4. Date Notice of Proposed Rules Published in the Register:
November 4, 1988, 12 Ill. Reg. 17766
5. Date JCAR Statement of Objection Published in the Register:
January 27, 1989, 13 Ill. Reg. 1268
6. Summary of Action Taken by the Agency:
At its January 9, 1989 meeting the Joint Committee objected to Sections 1409.120 and 1409.130 of the Board's rules because it felt the Board lacked the statutory authority to exempt from licensure shareholders of corporations and limited partners holding less than a 5% interest in an entity which owns a horse. That the Board has the authority to recognize and license partnerships and corporations as owners is not questioned by the Joint Committee. The Joint Committee questions the Board's authority to excuse any "owners of record" from undergoing at least a determination of eligibility for licensure, if not actual licensure.

The Board does require all partners and shareholders to be eligible for licensure, and if this is not the case the partnership or corporation will not be eligible for licensure. Consequently, the eligibility of the business entity is dependent on the eligibility of the individual collective owners. The Board feels that this procedure is in compliance with its statutory duties concerning licensure of owners. Since the corporate or partnership is the entity controlling the property rights to the horse, it is the owner of the horse and the Board then has the discretion to determine which of the individual constituent elements of the collective ownership requires licensure in addition to the corporate or partnership entity.

1. Heading of the Part: Fire Prevention and Safety
2. Code Citation: 41 Ill. Adm. Code 100
3. Register Citation to Notice of Proposed Amendments: 13 Ill. Reg. 1323, February 3, 1989
4. Date, Time and Locations of Public Hearing:
March 7, 1989
4:00 p.m. - 6:30 p.m.
Rosemont O'Hare Expo Center
Room 4 (Check Reader Board)
5555 W. River Rd., Rosemont, Illinois
March 9, 1989
10:00 a.m. - 12:30 p.m.
Office of the State Fire Marshal
Conference Room
3150 Executive Park Drive, Springfield, Illinois
5. Other Pertinent Information: Persons wishing to present oral testimony should contact John Pavlou by March 1, 1989. Time for testimony will be scheduled on a first-come first-serve basis. Thirty minutes will be set aside at the end for persons who did not call by March 1, 1989.
Oral testimony will be limited to 15 minutes.
6. Name and Address of Agency Contact Person:
John J. Pavlou, General Counsel
Office of the State Fire Marshal
3150 Executive Park Drive
Springfield, Illinois 62703-4599
(217) 785-1031

COMMISSIONER OF BANKS AND TRUST COMPANIES

NOTICE OF PUBLIC INFORMATION

NOTICE OF ACCEPTANCE OF AN APPLICATION
BY FIRST BANKS, INC., ST. LOUIS, MISSOURI, TO
ACQUIRE THE SALEM NATIONAL BANK, SALEM, ILLINOIS

Pursuant to Section 3.071(d) of the Illinois Bank Holding Company Act of 1957 (Ill. Rev. Stat. 1985, ch. 17, par. 2510.01(d)), as added by P.A. 84-1123, effective July 1, 1986) notice is hereby given that the Commissioner of Banks and Trust Companies has accepted for processing an application by First Banks, Inc., 11901 Olive Boulevard, St. Louis, Missouri 63141, to acquire The Salem National Bank, 205 West Main Street, Salem, Illinois 62881.

Interested persons who desire to comment on this proposed acquisition may submit their comments in writing no later than 14 days after the publication of this notice to either:

Dale R. Turner
Harold F. Boede
Commissioner of Banks and Trust Companies
Room 100 Reisch Building
117 South Fifth Street
Springfield, Illinois 62701

ILLINOIS REGISTER

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1. Statute requiring agency to publish this information in the Illinois Register:

Name of Act: Illinois Department of Revenue Sunshine Act
Citation: Ill. Rev. Stat. 1987, ch. 127, par. 2001
(Public Act 82-727, effective November 12, 1981)
2. Summary of information:

Index of Department of Revenue Sales and Excise Tax letter rulings issued for the Fourth Quarter of 1988.

The ruling letters are listed numerically with a brief synopsis and then indexed by subject area.

Sales and Excise Tax subject headings are as follows:

Agents	Liquor Tax
Agricultural Producers & Products	Local Taxes
Assessments	Manufacturers
Auto Renting Tax	Medical
Bingo	Miscellaneous
Books and Records	Motor Fuel Tax
Bulk Sales	Nexus
Certificate of Registration	Non Profit Institutions
Cigarette Tax	Penalties
Claims for credit	Pollution Control Facilities
C.O.A.D.	Power of Attorney
Coal Fueled Devices	Property Tax
Construction Contractors	Public Amusement
Cooperative Associations	Public Utility Taxes
Developers Refund	Real Estate Transfer Tax
Distillation Machinery	Replacement Vehicle Tax
Enterprise Zones	Returns
Exempt Organizations	Rolling Stock Exemption
Farm Machinery and Equipment	Sale at Retail
Financial Institutions	Sale for Resale
Food and Drugs	Sale of Service
Games Of Chance	Sellers of Newspapers, Magazines, Etc.
Governmental Bodies	Signature
Graphic Arts	Special Order
Gross Receipts	Statute of Limitation
Gross Sales	Trade-Ins
Hotel Operators Tax	Undertakers
Interest	Use Tax
Interstate Commerce	Vendors
Leasing	

(Continued)

Copies of the ruling letters themselves are available for inspection and may be purchased for a minimum of \$1.00 per opinion plus 25¢ per page for each page over one.

The annual publication (all four quarters) is available for \$4.50.

3. Name and address of person to contact concerning this information:

Margaret Forth
Legal Division
101 West Jefferson Street
Springfield, Illinois 62708
Telephone: (217) 782-6996

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88-0707
10-03-88 In Illinois, lessors are deemed to be the users of the items they purchase for their rental inventories. The only exception is renters of automobiles to be rented under lease terms of one year or less.

88-0708

10-04-88 Hotel operator incurs Hotel Operators' Occupation Tax liability on receipts from room rentals to governmental employees.

88-0709

10-04-88 Machinery and equipment used in the direct, on-line manufacture of pork products at a slaughter house or processing plant can qualify for the MES exemption.

88-0710

10-04-88 This letter discusses the application of the Automobile Renting Occupation Tax to several situations encountered by an auto dealer/auto renter.

88-0711

10-04-88 Certifies "Northwestern Steel and Wire Company" as being exempt from the pass-on of utilities on its purchases of electricity.

88-0712

10-05-88 MROT is triggered when an Illinois retailer makes a sale to an Illinois end-user. An Illinois retailer is anyone who either accepts purchase orders in Illinois so as to create a binding agreement to sell or has the merchandise physically located in Illinois at the time of sale.

88-0713

10-05-88 Request For Information.

88-0714

10-06-88 There is an exemption from Retailers' Occupation Tax for machinery and equipment that is used primarily in a graphic arts production process as defined in Major Group 27 of the U.S. Standard Industrial Classification Manual. See 86 Ill. Adm. Code 130.325.

88-0715

10-06-88 Illinois does not impose sales tax upon money paid as a deposit for returnable beverage containers.

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- 88-0716
10-06-88 A taxpayer must retain books and records for the length of time under which the Department is statutorily authorized to issue a Notice of Tax Liability. See 86 Ill. Adm. Code 130.815.
- 88-0717
10-06-88 An out-of-State serviceman who accepts purchase orders outside the State of Illinois and has his repair parts located outside the State of Illinois at the time the purchase order is accepted is not subject to Service Occupation Tax when doing the repair job in Illinois, but should collect a 5% Service Use Tax from the Illinois customer and remit same to the Illinois Department of Revenue.
- 88-0718
10-06-88 Palletizers which are used to place tangible personal property to be sold into a container which is normally sold to the ultimate consumer thereof can qualify for the MES exemption.
- 88-0719
10-06-88 Special order printer incurs Service Occupation Tax liability based on his cost price of any tangible personal property he transfers as an incident to his sale of special printing services.
- 88-0720
10-06-88 In a true lease situation, the lessor is deemed to be the end-user of the items being rented and should pay Use Tax and local tax reimbursement liabilities to his supplier of those items.
- 88-0721
10-06-88 The information that is required on a Certificate of Resale is set out in 86 Ill. Adm. Code 130.1410.
- 88-0722
10-06-88 A Certificate of Resale must contain the information listed in 86 Ill. Adm. Code 130.1410.
- 88-0723
10-07-88 Local Retailers' Occupation Taxes are required to be collected and remitted when an IL retail sale occurs. An IL retail sale occurs when the purchase order is accepted in IL or the seller fills the order from an IL inventory. See, 86 Ill. Adm. Code 130.605.

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- 88-0724
10-07-88 Producers of asphalt can claim the MES exemption so long as the asphalt being produced will be sold.
- 88-0725
10-07-88 When maintenance work is performed on equipment and the work is not pursuant to a warranty that was included in the original selling price, the work is a sale of service subject to the SOT.
- 88-0726
10-07-88 Effective September 1, 1988, the sale of a product of photoprocessing is a sale at retail subject to Retailers' Occupation Tax.
- 88-0727
10-07-88 Pollution control facilities can qualify for an exemption from Retailers' Occupation Tax and Use Tax as well as Service Occupation Tax and Service Use Tax (State and local).
- 88-0728
10-07-88 Items that qualify as medical appliances (correct or substitute for a functioning party of the body) are subject to a low rate of ROT when sold to individual patients per 86 Ill. Adm. Code 130.310.
- 88-0729
10-07-88 When a lending agency holds title to a motor vehicle and then sells it to a user, such a transaction is a sale at retail subject to ROT. See, 86 Ill. Adm. Code 130.1960(a).
- 88-0730
10-07-88 Illinois sales tax does not extend to gross receipts from a sale in which the seller is obligated, under the terms of his agreement with the purchaser, to make physical delivery of the goods from a point in this State to a point outside this State, not to be returned to a point within this State, provided that such delivery is actually made.
- 88-0731
10-07-88 The licensing of the use of a photograph is not a sale at retail. Consequently, a photographer does not incur Retailers' Occupation Tax liability when licensing, rather than selling, a photograph.
- 88-0732
10-07-88 Effective September 1, 1988, the sale of a photograph to the end-user is a sale at retail subject to the Retailers' Occupation Tax.

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88-0733

10-07-88 Eye contact wetting solutions qualify for the reduced rate of tax applicable to drugs, but eye contact cleaning solutions do not.

88-0734

10-11-88 Equipment used by the Associated Press and its members to send and receive news stories and photos does not qualify for the graphic arts machinery and equipment exemption.

88-0735

10-11-88 When a pharmacist supplies drugs to a doctor who will retransfer to his patients, the pharmacist should either pay the tax to his supplier or else charge local SOT on the selling price of the drugs to the doctor. Use of Method number 3 of 140.135 is unavailable in this type of transaction.

88-0736

10-12-88 The pollution control facility exemption does not extend to consumable supplies or to worker safety equipment.

88-0737

10-13-88 This letter explains the taxability of various products and equipment used in the production of dentures by dental laboratories.

88-0738

10-13-88 Effective September 1, 1988, a person who sells a photograph to an end-user is making a sale at retail that is subject to Retailers' Occupation Tax.

88-0739

10-13-88 A person who sells and installs a water softener acts as a construction contractor and incurs Use Tax liability based upon the cost price of the water softener. See 86 Ill. Adm. Code 130.1940(c).

88-0740

10-13-88 An out-of-State seller that falls under the definition of a "retailer maintaining a place of business in this State" must register to collect Illinois Use Tax from Illinois customers and remit that tax to the Department. See 86 Ill. Adm. Code 150.201(1) and 150.801(c).

88-0741

10-13-88 The sale of automotive accessories such as tires and batteries, with or without installation, is a sale at retail subject to Retailers' Occupation Tax.

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88-0742

10-14-88 Machinery and equipment that is used primarily in a direct on-line manufacturing process can be exempt from Retailers' Occupation Tax per 86 Ill. Adm. Code 130.330.

88-0743

10-14-88 A certificate of resale must contain the information that is listed at 86 Ill. Adm. Code 130.1410.

88-0744

10-14-88 Excluded from the farm machinery and equipment exemption are motor vehicles required to be registered pursuant to the Illinois Motor Vehicle Code. See 86 Ill. Adm. Code 130.305(h).

88-0745

10-14-88 To qualify for the coal mining machinery exemption, the cost of each item must exceed \$250.00. An exception is when equipment is sold by the linear foot and the cost of the total length sold in an individual transaction exceeds \$250.00. See 86 Ill. Adm. Code 130.350(a).

88-0746

10-17-88 It is unlawful to sell tangible personal property at retail in the State without first obtaining a Certificate of Registration from the Department.

88-0747

10-17-88 Municipal Use Tax is imposed when an aircraft is registered to an address within the municipality. See 86 Ill. Adm. Code 290.101.

88-0748

10-17-88 When a seller of food items makes sales for immediate consumption as well as sales that are not for immediate consumption, it must determine whether the majority of food receipts are from items for immediate consumption or from items not for immediate consumption. In the former case, the full rate should be charged on all food sales. In the latter case, the low rate must be charged on all food sales.

88-0749

10-17-88 An air cleaner which has, as its primary function, the removal of pollutants from the air, can qualify for the pollution control facilities exemption.

88-0750

10-17-88 A certificate of resale must contain the information listed at 86 Ill. Adm. Code 130.1410.

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88-0751 10-18-88 Effective September 1, 1988, the sale of a product of photoprocessing is a sale at retail subject to Retailers' Occupation Tax.

88-0752 10-19-88 Illinois Retailers' Occupation and Use Tax does not extend to gross receipts from sales in which the seller is obligated, under the terms of his agreement with the purchaser, to make physical delivery of the goods from a point in this State to a point outside this State, not to be returned to a point within this State, provided that such delivery is actually made.

88-0753 10-19-88 The lessor of tangible personal property in Illinois is deemed the user of the property and consequently incurs Illinois Use and local occupation tax reimbursement liabilities on his purchase price of the property.

88-0754 10-19-88 Effective September 1, 1988, the sale of a photograph to a school student is a sale at retail subject to Retailers' Occupation Tax.

88-0755 10-19-88 It is the location of the seller that governs the applicable local Retailers' Occupation Tax. This is because the acceptance of the purchase order is the most important factor in the occupation of selling. See, 86 Ill. Adm. Code 270.115(b).

88-0756 10-20-88 A pull type fertilizer spreader can qualify for the farm machinery and equipment exemption so long as it is used primarily "more than 50%" in the field.

88-0757 10-20-88 Effective September 1, 1988, the sale of a product of photo processing to the end-user is a sale at retail subject to Retailers' Occupation Tax. This includes the sale of microfilm/microfiche because these are products of a photographic process.

88-0758 10-20-88 State Retailers' Occupation Tax is imposed at the rate of 0% with respect to food for human consumption which has not been prepared for immediate consumption.

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88-0759 10-20-88 Certifies "Caterpillar, Inc." as being exempt from the pass-on of utilities on its purchases of electricity.

88-0760 10-20-88 This letter discusses tolerances related to sales of gasohol involving variations in blending, product shrinkage, evaporation and water content.

88-0761 10-20-88 When a person acts as an agent for an unknown or undisclosed principal and sells tangible personal property for the undisclosed principal, the agent incurs Retailers' Occupation Tax liability. See, 86 Ill. Adm. Code Section 130.1915.

88-0762 10-20-88 Service Occupation Tax, not Retailers' Occupation Tax, applies to the transfer by a lawn service company of grass seed, pesticides and fertilizers.

88-0763 10-20-88 Effective September 1, 1988, the sale of a product of photo processing is a sale at retail subject to Retailers' Occupation Tax.

88-0764 10-20-88 The sale of oxygen to the individual patient qualifies for the low rate of sales tax per 86 Ill. Adm. Code 130.310.

88-0765 10-20-88 Filters which are used to keep air clean can qualify for the NES exemption if clean air is specifically required by the production process and is not being purchased merely for general air quality purposes.

88-0766 10-20-88 A certificate of resale must contain the information that is listed at 86 Ill. Adm. Code 130.1410.

88-0767 10-21-88 Installation charges constitute taxable gross receipts which are subject to ROT unless the installation charges are separately contracted for. See, 86 Ill. Adm. Code 130.450(b).

88-0768 10-21-88 Computer software is not subject to sales or Use Tax as per 86 Ill. Adm. Code Section 130.1935.

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88-0769

10-21-88 A hotel operator incurs Hotel Operators' Occupation Tax liability on his receipts from room rentals unless the room occupant is a permanent resident (a person who occupied or has the right to occupy a specific room or a specific block of rooms for at least 30 consecutive days) or a foreign diplomat who furnishes the hotel operator with a diplomatic card issued by the State Department which exempts the foreign diplomat from State taxes.

88-0770

10-21-88 Motor oil and anti-freeze sold to interstate carriers for hire can qualify for the rolling stock exemption.

88-0771

10-21-88 Effective 9/1/88, sales of photofinishing products are sales at retail subject to ROT.

88-0772

10-21-88 A person selling special printed material which has use or value only to a particular purchaser is subject to SOT, not ROT.

88-0773

10-24-88 In the context a "two for one" special run by a restaurant, the restaurant will incur Retailers' Occupation Tax liability on its gross receipts from the transaction. Specifically, if a \$10.00 meal is sold and entitles the customer to a free meal of equal or lesser value and the restaurant receives no reimbursement for the "free" meal from any other source, the gross receipts subject to tax is \$10.00.

88-0774

10-24-88 Under the rolling stock exemption, fuel additives and cleaners do not qualify for the exemption because they do not become a physical part of the rolling stock but rather are consumable supplies.

88-0775

10-24-88 Under the Used Car Tax, if a corporation is dissolved and was previously owned by two shareholders, the Used Car Tax would not apply if the car was then titled jointly in the names of the previous shareholders. Otherwise, there would be a tax because there would be a change in beneficial ownership.

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88-0776

10-24-88 Explains what a seller or supplier of a contractor who incorporates manufacturing machinery and equipment and pollution control facilities into real estate must have to certify the manufacturing machinery and equipment and expanded manufacturing machinery and equipment exemptions and pollution control facilities exemptions.

88-0777

10-24-88 Materials incorporated into real estate improvements which are required to be turned over to a governmental unit upon completion are exempt as per 86 Ill. Adm. Code Section 130.2075(e).

88-0778

10-25-88 A certificate of resale must contain the information listed at 86 Ill. Adm. Code 130.1410.

88-0779

10-25-88 This letter discusses Canteen v. Department of Revenue, 123 Ill. 2d 95(1988).

88-0780

10-25-88 The sale of food that is not for immediate consumption is subject to a low rate of sales tax per 86 Ill. Adm. Code 130.310.

88-0781

10-25-88 Machinery and equipment that is used primarily in a direct on-line manufacturing process can qualify for the manufacturing machinery and equipment exemption per 86 Ill. Adm. Code 130.330.

88-0782

10-25-88 Handling charges are always costs of doing business that are included in the base for calculating Retailers' Occupation Tax. See 86 Ill. Adm. Code 130.410.

88-0783

10-25-88 An out-of-State seller who falls under the definition of "retailer maintaining a place of business in this State" must register to collect Illinois Use Tax from Illinois customers. See 86 Ill. Adm. Code 150.201(i) and 150.801(c).

88-0784

10-25-88 Machinery and equipment that is used primarily in a direct on-line manufacturing process can qualify for the manufacturing machinery and equipment exemption per 86 Ill. Adm. Code 130.330.

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- 88-0785
10-26-88 This letter answers whether a list of items qualify for the low rate of Retailers' Occupation Tax per 86 Ill. Adm. Code 130.310.
- 88-0786
10-26-88 Outdoor playground equipment remains tangible personal property after installation. Consequently, the sale of the outdoor playground equipment to the end-user is subject to Retailers' Occupation Tax.
- 88-0787
10-27-88 A lessor of tangible personal property who brings such property into IL for rental purposes incurs a 5% Use Tax liability based on his cost of the equipment but is allowed to depreciate the equipment in arriving at the tax base to the extent that the equipment has been used outside the State of IL before being brought into the State of IL.
- 88-0788
10-27-88 The Retailers' Occupation Tax Act contains no provision for refunding the sales tax paid by a consumer after there has been a settlement from a manufacturer on a "lemon" automobile pursuant to the New-Car Buyer Protection Act.
- 88-0789
10-27-88 Machinery and equipment that is used primarily in a graphic arts production process can qualify for exemption from Retailers' Occupation Tax per 86 Ill. Adm. Code 130.325.
- 88-0790
10-27-88 Where a retailer receives reimbursement for a coupon, the amount of such reimbursement is subject to Retailers' Occupation Tax. See 86 Ill. Adm. Code 130.2125(b).
- 88-0791
10-28-88 The sale of prescription eyewear (glasses or contact lenses) to an Illinois end-user is a sale of service subject to Service Occupation Tax.
- 88-0792
10-28-88 Sales in interstate commerce are exempt from Illinois sales tax as per 86 Ill. Adm. Code Section 130.605(b).
- 88-0793
10-28-88 Machinery or equipment that is used to protect employees, such as protective equipment face masks, helmets, gloves, etc. does not qualify for the manufacturing machinery and equipment exemption.

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- 88-0794
10-28-88 An Illinois retail sale occurs when either the purchase order is accepted in Illinois or the order is filled from an Illinois inventory of goods.
- 88-0795
10-28-88 In a leasing transaction it is the primary lessor, not a sub-lessor which incurs Use Tax liability when purchasing for rental purposes.
- 88-0796
10-31-88 Food that is sold for immediate consumption is subject to the full rate of ROT. See 86 Ill. Adm. Code 130.310.
- 88-0797
10-31-88 An exemption from Retailers' Occupation Tax is available on sales of tangible personal property to interstate carriers for hire for use as rolling stock moving in interstate commerce on a regular and frequent basis per 86 Ill. Adm. Code 130.340.
- 88-0798
10-31-88 Under Illinois law, a lessor of tangible personal property is the legal user of the property and incurs Illinois Use and Local Occupation Tax reimbursement liabilities upon the purchase of the property.
- 88-0799
10-31-88 This letter discusses Canteen v. Department of Revenue, 123 Ill. 2d 95(1988).
- 88-0800
10-31-88 An out-of-State seller that falls under the definition of a "retailer maintaining a place of business in this State" must register to collect Illinois Use Tax from Illinois customers and remit that tax to the Department. See, 86 Ill. Adm. Code 150.201(i) and 150.801(c).
- 88-0801
10-31-88 The sale of medical appliances qualifies for a low rate of sales tax per 86 Ill. Adm. Code 130.310.
- 88-0802
10-31-88 Under Illinois law, a lessor of tangible personal property is the user of that property and incurs Illinois Use and Local Retailers' Occupation Tax reimbursement liabilities upon the purchase of the property.

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- 88-0803
10-31-88 Under Illinois law, a lessor of tangible personal property is the user of that property and incurs Illinois Use and local Retailers' Occupation Tax reimbursement liabilities upon purchase of the property.
- 88-0804
10-25-88 When mailing lists are purchased from unregistered out-of-State suppliers for the purpose of leasing in Illinois, the lessor incurs Illinois Use Tax based upon his cost price of the mailing lists. This is because mailing lists are tangible personal property subject to Illinois Sales/Use Tax liabilities.
- 88-0805
11-01-88 Discounts for which the retailer receives no reimbursement from any source are not taxable gross receipts.
- 88-0806
11-01-88 Construction Contractors do not incur a Use Tax liability on building materials to be incorporated into real estate owned by a governmental body as per 86 Ill. Adm. Code Section 130.2075(d).
- 88-0807
11-01-88 Computer software sales are not subject to ROT as per 86 Ill. Adm. Code Section 130.1935.
- 88-0808
11-03-88 A mandatory gratuity is includable in gross receipts for the purpose of calculating ROT unless the entire amount is turned over to employees who would normally have received tips in its absence.
- 88-0809
11-03-88 Hog houses, being structures, do not qualify for the farm machinery and equipment exemption.
- 88-0810
11-04-88 Discusses taxability of warranties and extended warranties under the Service Occupation Tax Act.
- 88-0811
11-09-88 Machines which have as their primary purpose the copying of original materials do not qualify for the Graphic Arts Machinery and Equipment Exemption.

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- 88-0812
11-10-88 Sales for resale must be documented by certificates of resale containing all information required by 86 Ill. Adm. Code 130.1410.
- 88-0813
11-10-88 Returns can be changed from an accrual method of reporting to a cash receipts method of reporting so long as the Department of Revenue is notified of an intent to make that kind of changeover.
- 88-0814
11-10-88 Jurisdiction for Municipal Retailers' Occupation Tax is determined by the seller's location, not the purchaser's location.
- 88-0815
11-10-88 It is a Class A misdemeanor for a retailer to advertise that he will pay the Use Tax (sales tax).
- 88-0816
11-10-88 Radio service billings are subject to the Telecommunications Excise Tax Act and the fact that the purchaser is an interstate carrier for hire does not change this result.
- 88-0817
11-14-88 Contact lenses constitute medical appliances and are subject to the reduced rate of Service Occupation Tax.
- 88-0818
11-14-88 Under Illinois law, a lessor of tangible personal property is deemed the legal user of the property and consequently incurs Illinois Use and local Retailers' Occupation Tax reimbursement liabilities upon purchase of the property.
- 88-0819
11-14-88 A sale at retail is viewed as taxable unless the retailer documents an exemption.
- 88-0820
11-14-88 An out-of-State seller falling within the definition of a "retailer maintaining a place of business in this State" is required to collect Illinois Use Tax.
- 88-0821
11-14-88 Sale for resale must be documented by a certificate of resale which contains all of the items of information noted in 86 Ill. Adm. Code 130.1410.

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88-0822 11-14-88 The sale of newspapers and magazines are not subject to Retailers' Occupation Tax. See 86 Ill. Adm. Code 130.2105(a)(2).

88-0823 11-15-88 An out-of-State seller that falls within the definition of a "retailer maintaining a place of business in this State" is required to register as a Use Tax collector. See 86 Ill. Adm. Code 150.201(a) and 150.801(c).

88-0824

11-15-88 An Illinois retail sale occurs when either the seller accepts the purchase order in Illinois or the seller fills the purchase order from an Illinois inventory.

88-0825

11-15-88 REQUEST FOR INFORMATION.

88-0826

11-15-88 Equipment that will be used primarily in a wastewater treatment plant can qualify for the pollution control facilities exemption if the primary purpose of the wastewater treatment plant is to treat pollutants according to 86 Ill. Adm. Code 130.335.

88-0827

11-15-88 Effective September 1, 1988, the sale of a product of photoprocessing is a sale at retail subject to Retailers' Occupation Tax.

88-0828

11-15-88 Effective September 1, 1988, the sale of a product of photoprocessing is a sale at retail subject to Retailers' Occupation Tax.

88-0829

11-15-88 Equipment or machinery that is used primarily in a direct on-line manufacturing process can qualify for exemption from ROT pursuant to 86 Ill. Adm. Code 130.330.

88-0830

11-15-88 An optometrist is engaged in a service profession. Consequently, the transfer of tangible personal property as an incident of the rendering of that service is subject to Service Occupation Tax.

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88-0831 11-15-88 "Sale at retail" means any transfer of the ownership of or title to tangible personal property to a purchaser, for the purpose of use or consumption, and not for the purpose of resale in any form as tangible personal property to the extent not first subject to a use for which it was purchased. See Ill. Adm. Code 130.201(a).

88-0832

11-15-88 Institutions which purchase food for transfer to patients in the course of providing a service, such as nursing homes and hospitals, who provide the meals as well as care-taking services for one fee, are subject to the full rate of tax, unless the organization qualifies as exclusively charitable.

88-0833

11-15-88 MLS books used by realtors are deemed to be magazines and are consequently exempt from ROT under the newsprint and ink exemption.

88-0834

11-15-88 Section 2a of the Retailers' Occupation Tax Act mandates that any person must first obtain a Certificate of Registration from this Department before engaging in the business of selling tangible personal property at retail in this State. See Ill. Rev. Stat. ch. 120, par. 441a.

88-0835

11-15-88 Sales for resale must be documented by Certificates of Resale containing all information required by 86 Ill. Adm. Code 130.1410.

88-0836

11-16-88 Under Illinois law, a lessor of tangible personal property is the legal user of the property and incurs Illinois Use and Local Retailers' Occupation Tax reimbursement liabilities upon purchase of the rental property.

88-0837

11-16-88 When a dental laboratory makes dental prostheses for dentist's patients, a multi-service situation exists according to the principles enumerated at 86 Ill. Adm. Code 140.145.

88-0838

11-16-88 This letter explains the application of the Illinois sales tax laws to dentists.

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88-0839 11-16-88 Although quarrying operations do not qualify for the MES exemption, operations which occur subsequent to the quarrying operation can qualify. For example, crushing, screening and washing the stone after it has been extracted from the ground can qualify for the MES exemption.

88-0840 11-16-88 A sale of wood forms to an end-user is a sale at retail not withstanding the fact that no more than 12 forms are sold per year.

88-0841 11-16-88 Food and drugs qualify for the low rate of tax.

88-0842 11-16-88 Testing equipment sold to individuals can qualify for the reduced rate of tax applicable to food, drugs and medical appliances, but the full rate of tax will apply if the same testing equipment is sold to health care professionals who do not transfer the equipment to their patients.

88-0843 11-16-88 Computer software is exempt from sales tax under the provisions of 86 Ill. Adm. Code Section 130.1935.

88-0844 11-16-88 This letter discusses the application of the Illinois sales tax laws to dentists.

88-0845 11-16-88 Out-of-State retailers maintaining a place of business in Illinois are required to register with the Department of Revenue to collect Illinois Use Tax.

88-0846 11-16-88 Food, drugs and medical appliances qualify for the reduced rate of tax.

88-0847 11-16-88 MROR is applicable to the seller's place of business not the point of delivery.

88-0848 11-17-88 Effective September 1, 1988, the sale of a product of photoprocessing is a sale at retail subject to ROT.

88-0849 11-17-88 REQUEST FOR INFORMATION.

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88-0850 11-17-88 The Retailers' Occupation Tax Act requires the retailer to maintain, at a minimum, cash register tapes and other data which will provide a daily record of the gross amount of sales. See 86 Ill. Adm. Code 130.805(a).

88-0851 11-17-88 Outgoing freight charges are part of receipts subject to ROT unless there exists a separate contract between the seller and purchaser for such charges. A separate itemization of the freight charge on the invoice does not constitute a separate agreement. See 86 Ill. Adm. Code 130.415.

88-0852 11-17-88 If all the sales which a seller makes to a particular purchaser are for resale, the seller may take a blanket Certificate of Resale from such purchaser per 86 Ill. Adm. Code 130.1420.

88-0853 11-17-88 Auctioneers do not incur ROT liability when acting on behalf of known or disclosed principals.

88-0854 11-17-88 If a person becomes irrevocably liable to pay rent for the right to occupy a hotel room, such gross receipts are subject to the Hotel Operators' Occupation Tax. This is true whether or not the person actually shows up and occupies the specific room. See 86 Ill. Adm. Code 480.101(c)(1).

88-0855 11-17-88 Generally, when seller ships merchandise directly to an out-of-State location, he is making an Illinois tax-exempt sale in interstate commerce. See, 86 Ill. Adm. Code Section 130.605.

88-0856 11-17-88 It is unlawful for any person to engage in the business of selling tangible personal property at retail in this State without a Certificate of Registration from the Department. See Illinois Revised Statutes, Chapter 120, Paragraph 441a.

88-0857 11-17-88 Purchases made from isolated sellers are not subject to Use Tax. See, 86 Ill. Adm. Code Sections 130.101 and 130.110.

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- 88-0858 11-17-88 Handling charges constitute a cost of doing business and cannot be deducted from gross receipts when calculating Retailers' Occupation Tax liability.
- 88-0859 11-17-88 Out-of-State sellers who fall under the definition of a "retailer maintaining a place of business in this State" are required to register and collect and remit Illinois Use Tax. See 86 Ill. Adm. Code 150.201(i) and 150.801(c).
- 88-0860 11-17-88 The only computers that qualify for the manufacturing machinery and equipment exemption are those that are used primarily to operate machinery or equipment that itself is exempt. See 86 Ill. Adm. Code 130.330(c)(3).
- 88-0861 11-17-88 The lessor of tangible personal property in Illinois is the legal user of the property and incurs Illinois Use and local Retailers' Occupation Tax reimbursement liabilities on the purchase price of the property. The only exception is the lessor of automobiles under lease terms of one year or less.
- 88-0862 11-17-88 A tank truck to which a driveway decal has been issued is exempt under the provisions of 86 Ill. Adm. Code Section 130.605(a)(4)(A).
- 88-0863 11-18-88 Transportation vehicles that are used by interstate carriers for hire as rolling stock to move goods in interstate commerce on a regular and frequent basis can qualify for the rolling stock exemption per 86 Ill. Adm. Code 130.340.
- 88-0864 11-18-88 Used Car Tax applies to transfer of truck from son of company president to the company, itself.
- 88-0865 11-18-88 Effective September 1, 1988, the sale of a product of photoprocessing is a sale at retail subject to ROT.
- 88-0866 11-21-88 Core fees are deductible from gross receipts only when the traded-in item clearly relates to the item being sold.

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- 88-0867 11-21-88 An out-of-State seller that falls within the definition of a "retailer maintaining a place of business in this State" is required to register and collect and remit Illinois Use Tax from Illinois customers. See 86 Ill. Adm. Code 150.201(i) and 150.801(c).
- 88-0868 11-21-88 REQUEST FOR INFORMATION.
- 88-0869 11-21-88 Persons who sell signs that have commercial value (i.e., value to persons other than the purchasers thereof) are making retail sales and incur ROT on such transactions, even if the signs are produced on special order for the purchaser. See 86 Ill. Adm. Code 130.2155(a).
- 88-0870 11-21-88 Machinery or equipment that is used primarily in production agriculture can qualify for an exemption from ROT per 86 Ill. Adm. Code 130.305.
- 88-0871 11-21-88 Municipalities are authorized to impose Municipal Retailers' Occupation Tax per Ill. Rev. Stat., ch 24, par 8-11-1.
- 88-0872 11-21-88 A person who takes tangible personal property off the market and converts it into permanent real estate is a construction contractor and the legal end-user of the property. As the legal user, the construction contractor incurs Illinois Use and local Retailers' Occupation Tax reimbursement liabilities upon his purchase price of building materials. See 86 Ill. Adm. Code 130.1940 and 130.2075.
- 88-0873 11-21-88 Under Illinois law, a "Distributor" means a person who either produces, refines, blends, compounds or manufactures motor fuel in this State, or transports motor fuel into this State or receives motor fuel transported to him from without the State.
- 88-0874 11-21-88 When a leasing company sells a used passenger car to a purchaser or lessor for use, and not for resale, such a transaction is a sale at retail subject to ROT. See 86 Ill. Adm. Code 130.111.

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88-0875
11-22-88 A nursing home engages in providing a service to its patients. Consequently, the nursing home, as a serviceman, incurs Service Occupation Tax liability upon the tangible personal property e.g. food and drugs that it purchases for transfer to the patients. This assumes that this Department has not ruled that the nursing home qualifies as a sales tax exempt purchaser by virtue of it being organized and operated exclusively for charitable purposes.

88-0876
11-22-88 In general, exercise devices, including hand exercisers do not qualify for the low rate of tax as medical appliances. However, an exercise device, if sold pursuant to a doctor's order, can qualify for the low rate of tax.

88-0877
11-23-88 REQUEST FOR INFORMATION.

88-0878
11-23-88 Legal incidence of hotel tax is on hotel operator, not on room occupant.

88-0879
11-23-88 Computer software is exempt from Illinois sales tax as per 86 Ill. Adm. Code Section 130.1935.

88-0880
11-28-88 Effective 10/1/89, ATVs must be registered with the Illinois Department of Conservation and will be subject to State and local Use Taxes even though ATVs do not constitute motor vehicles.

88-0881
11-28-88 Prescription eyewear is subject to municipal (or county) SOT and mass transit, when applicable, but not the 5% State SOT.

88-0882
11-29-88 Blenders can qualify for the MES exemption.

88-0883
11-29-88 In order for the business reorganization exception from the used car tax to apply there must not be any change in beneficial ownership.

88-0884
11-29-88 Food items that are sold for immediate consumption are subject to the full rate of ROT per 86 Ill. Adm. Code 130.310.

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88-0885

11-29-88 Under Illinois law, a lessor of tangible personal property is the legal user of the property and incurs Illinois Use and local Retailers' Occupation Tax reimbursement liabilities upon purchase of the property.

88-0886

11-29-88 MES can apply to furnaces and refractory materials used in production process.

88-0887

11-30-88 Bad debts are deductible from gross receipts but must be taken in the month following the month it is taken for federal income tax purposes.

88-0888

10-25-88 A sale of negatives, being a product of photofinishing, is a sale at retail. However, a photographer can purchase film tax-free only if the negatives will actually be resold to his customers.

88-0889

12-01-88 Construction contractors do not incur a Use Tax liability when purchasing building materials for incorporation into real estate owned by a governmental body.

88-0890

12-02-88 Lessors of tangible personal property under true rental agreements are deemed to be the end users of such property and incur a Use Tax liability based on their purchase price of such property.

88-0891

12-02-88 Programming guides which are similar to TV guides can qualify for an exemption from sales tax under the newsprint and ink exemption because they constitute magazines.

88-0892

12-02-88 Request for Information.

88-0893

12-02-88 The Department will authorize a taxpayer to file computer generated sales tax returns (RR-1-A) so long as they are facsimiles to returns printed by the Department.

88-0894

12-02-88 An out-of-State supplier of an Illinois serviceman should collect a 5% Service Occupation Tax from the serviceman if the supplier is registered with the Department of Revenue.

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88-0895 12-02-88 Under the food, drugs and medical appliance reduced rate of tax, the Department of Revenue views Transcutaneous Electrical Nerve Stimulators as medical appliances which are subject to the reduced rate of tax when sold to individuals or to health care professionals who will transfer them to their patients.

88-0896 12-02-88 Computer software is exempt from sales tax as per 86 Ill. Adm. Code Section 130.1935.

88-0897 12-02-88 Under the graphic arts machinery and equipment exemption, computers used to store data and generate text, maps, graphs or other print-out formats generally do not qualify for the exemption.

88-0898 12-02-88 An Illinois mail order company does not incur Retailers' Occupation Tax liability when shipping merchandise directly to an out-of-State location, as a general rule, since such sales are deemed to be exempt from Illinois tax per the interstate commerce clause.

88-0899 12-02-88 The automobile renting occupation tax applies to the rental of motor vehicles of the first division and also applies to a motor vehicle of the second division which is a self-contained motor vehicle designed or permanently converted to provide living quarters for recreational, camping or travel use, with direct walk thru access to the living quarters from the driver's seat, or a motor vehicle of the second division which is of the van configuration designed for the transportation of not less than seven nor more than 16 passengers.

88-0900 12-06-88 Effective September 1, 1988, the sale of the products of photofinishing constitutes a sale at retail.

88-0901 12-06-88 Sale of products of photoprocessing is a sale at retail with tax base being photoprocessing component of bill, only, if separately stated; otherwise 50% of the gross receipts from sale.

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88-0902 12-08-88 In our opinion, those portions of a private line which are geographically within the State of Illinois and any mileage from the State border to the first point (or drop) outside the State would be considered mileage subject to tax under the Telecommunications Excise Tax.

88-0903 12-08-88 Under the MFS exemption, machinery and equipment used in a direct on-line manufacturing process qualifies for an exemption from tax.

88-0904 12-08-88 A sale for resale should be documented by a valid certificate of resale containing the information set out at 86 Ill. Adm. Code Section 130.1410.

88-0905 12-08-88 An out-of-State seller who falls within the definition of "a retailer maintaining a place of business in this State" must register to collect Illinois Use Tax from Illinois customers and remit that tax to the Department. See 86 Ill. Adm. Code 150.201(i) and 150.801(c).

88-0906 12-08-88 Effective September 1, 1988, the sale of a product of photoprocessing is a sale at retail subject to ROT. The tax is imposed upon the photoprocessing component which is charged by the seller of photoprocessing. This would include any charge made for mounting/overlamination of the product of photoprocessing.

88-0907 12-08-88 The purchase of a vehicle by an interstate carrier for hire may be exempt as rolling stock if it meets the requirements of 86 Ill. Adm. Code 130.340.

88-0908 12-08-88 Effective September 1, 1988, the sale of products of photoprocessing is a sale at retail.

88-0909 12-08-88 The Illinois Telecommunications Excise Tax is imposed upon the privilege of selling telecommunications at retail when such telecommunications either originate or terminate in Illinois and are charged to an Illinois service address.

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88-0910 12-08-88 Exemption identification numbers issued to sales tax-exempt purchasers are not evidence of exemption from Telecommunications Excise Tax.

88-0911 12-08-88 Effective September 1, 1988, the sale of a product of photoprocessing is a sale at retail subject to ROT.

88-0912

12-08-88 When a person who has engaged in the business of leasing motor vehicles to others sells a used passenger car to a purchaser for use and not for resale, such a transaction is a sale at retail subject to Retailers' Occupation Tax. See 86 Ill. Adm. Code 130.111.

88-0913

12-12-88 Retailers' Occupation Tax is not imposed upon gross receipts from sales in which the seller is obligated, under the terms of his agreement with his purchaser, to make physical delivery of the goods from a point in this State to a point outside this State, not to be returned to a point within this State, provided that such delivery is actually made.

88-0914

12-12-88 An agent who sells on behalf of a disclosed principal is not subject to Retailers' Occupation Tax under 86 Ill. Adm. Code 130.1915.

88-0915

12-12-88 Where a person issues a coupon that entitles the bearer to obtain an item of tangible personal property free of charge whatever and not conditioned on the purchase of other property, the furnishing of such tangible personal property does not constitute a sale under the Retailers' Occupation Tax Act. However, the person who issued the coupon, as the donor, incurs Use Tax liability on his cost price of the tangible personal property transferred as a result of coupon redemption. See 86 Ill. Adm. Code 130.2125(c).

88-0916

12-12-88 When advertising supplements are inserted into newspapers, no Illinois Sales/Use Tax liabilities are incurred because the advertising supplement is considered to be an adjunct of the exempt newspaper. See, 86 Ill. Adm. Code 130.2105(a)(2).

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88-0917

12-12-88 Jurisdiction for the purposes of Municipal Retailers' Occupation Tax is determined by purchase order acceptance.

88-0918

12-13-88 Under Illinois law, a lessor of tangible personal property is the legal end-user of the property and consequently incurs Illinois Use and Local Retailers' Occupation Tax reimbursement liabilities upon purchase of the property.

88-0919

12-13-88 Installation charges incurred in association with the sale of tangible personal property are part of the gross receipts that are subject to ROT unless a separate agreement exists for such installation charges. See 86 Ill. Adm. Code 130.450.

88-0920

12-13-88 A certificate of resale must contain the information required by 86 Ill. Adm. Code 130.1410.

88-0921

12-13-88 A certificate of resale must contain the information required by 86 Ill. Adm. Code 130.1410.

88-0922

12-13-88 The Vehicle Use Tax is imposed on the privilege of using, in this State, a motor vehicle that was acquired by purchase. See Ill. Rev. Stat. (1967) Ch. 95 1/2 Par. 3-1001 et seq.

88-0923

12-14-88 Corrective prescription lenses qualify as medical appliances and are consequently subject to the State SOT rate of 0%. See, 86 Ill. Adm. Code 130.310.

88-0924

12-14-88 Corrective prescription lenses qualify as medical appliances for which the State Service Occupation Tax is imposed at the rate of 0%. See, 86 Ill. Adm. Code 130.310.

88-0925

12-14-88 Where a physician farms out a prescription for corrective lenses to an optical supply house, a multi-service situation exists according to 86 Ill. Adm. Code 140.145.

88-0926

12-14-88 A certificate of resale must contain the information required by 86 Ill. Adm. Code 130.1410.

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88-0927
12-14-88 When acetylene gas is used in a torch it is a consumable supply and does not qualify for the manufacturing machinery and equipment exemption. See, 86 Ill. Adm. Code 130.330(c)(3).

88-0928
12-15-88 Ceramic pellet catalysts used to process low-octane naphtha into high octane gasoline are consumable supplies and do not qualify for the manufacturing machinery and equipment exemption.

88-0929
12-15-88 Sales of newspapers and magazines are not subject to ROT. See, 86 Ill. Adm. Code 130.2105(a)(2).

88-0930
12-15-88 A lessor of tangible personal property is liable for payment of Illinois Use Tax "up front". The lessor may not legally pass the tax on to the lessee as a tax. However, the lessor and lessee may make private contractual arrangements for the lessee to reimburse the lessor for the lessor's tax liability.

88-0931
12-15-88 To claim the manufacturing machinery and equipment exemption, a purchaser must give the certification that is required by 86 Ill. Adm. Code 130.330(g) if he has no Illinois registration or resale number.

88-0932
12-16-88 Federal credit unions are exempt from Use Tax under 12 USC 1768, but a supplier of such a Federal credit union is not relieved of Retailers' Occupation Tax liability on his sale to same.

88-0933
12-16-88 To claim the oil field exploration, drilling and production equipment exemption, a purchaser must give a certification that complies with the requirements listed at 86 Ill. Adm. Code 130.345(e).

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88-0934
12-16-88 Sellers of containers to purchasers who sell tangible personal property contained in such containers to others are deemed to make sales of such containers to purchasers for purposes of resale, the receipts from which sales are not subject to ROT, if the purchasers of such containers transfer the ownership of the containers to their customers together with the ownership of the tangible personal property contained in such containers.

88-0935
12-16-88 An out-of-State seller that falls within the definition of "a retailer maintaining a place of business in this State" is required to register as an out-of-State Use Tax collector and collect and remit tax from Illinois customers. See, 86 Ill. Adm. Code 150.201(i) and 150.801(c).

88-0936
12-16-88 The applicable local Retailers' Occupation Taxes are those in effect at the location where the seller accepts the purchase order in Illinois. This is because acceptance of the purchase order is the single most important factor in the occupation of selling.

88-0937
12-16-88 Section 3 of the Use Tax Act (Illinois Revised Statutes, Chapter 120, Paragraph 439.3) requires retailers to collect the Use Tax from users by adding the tax as a separate item to the selling price of tangible personal property when they sell it to the end-user.

88-0938
12-16-88 ROT does not extend to gross receipts from sales in which the seller is obligated, under the terms of his agreement with the purchaser, to make physical delivery of goods from a point in this State to a point outside this State, not to be returned to this State, provided that such delivery is actually made. See, 86 Ill. Adm. Code 130.605(b).

88-0939
12-16-88 A service business owes Use Tax on its cost price of consumable supplies and fixed assets that it uses in its business.

88-0940
12-19-88 Retailers' "maintaining a place of business in this State" must register with the Illinois Department of Revenue to collect Use Tax. See, 86 Ill. Adm. Code Sections 150.201(i) and 150.801(c).

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88-0941

12-19-88 Construction contractors can purchase building materials tax-free in a situation where a pre-development agreement requires title to the building materials once incorporated into real estate to be transferred to a governmental body as a public improvement.

88-0942

12-19-88 Request for Information.

88-0943

12-20-88 Out-of-State sellers who fall under the definition of a "retailer maintaining a place of business in this State" must register to collect Illinois Use Tax from Illinois customers. See, 86 Ill. Adm. Code 150.201(i) and 150.801(c).

88-0944

12-20-88 Corrugated boxes and rolls of tape which are used to transport medical waste to an incinerator do not qualify for the pollution control facility exemption.

88-0945

12-20-88 An out-of-State serviceman maintaining a place of business in this State must collect Service Use Tax when shipping customized paper materials into Illinois to service users.

88-0946

12-20-88 Handling charges are always costs of doing business that are includable in gross receipts upon which ROT is due. See, 86 Ill. Adm. Code 130.410.

88-0947

12-20-88 When a primary serviceman farms or jobs out a part of the work to another serviceman, a multi-service situation exists according to 86 Ill. Adm. Code 140.145.

88-0948

12-20-88 Sales of packaging products to moving or storage companies for use in business operations are sales for use and are subject to ROT.

88-0949

12-20-88 Persons who engage in the business of repairing tangible personal property that belongs to others are engaging in a service occupation that is subject to Service Occupation Tax.

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88-0950

12-20-88 Electricity sold to a building operator who will resell the electricity to the tenants should be purchased tax-free by the building operator and then the building operator should report his resales to the Illinois Department of Revenue per 510.150 of the Public Utility Revenue Tax regulations.

88-0951

12-20-88 Insecticides and medicines can qualify as farm chemicals that are exempt from tax if they are purchased for use in the production of crops that are to be sold, or in the production or care of animals that are to be sold or the products of which are to be sold. See, 86 Ill. Adm. Code 130.1955.

88-0952

12-20-88 The Vehicle Use Tax is imposed upon the privilege of using in this State a motor vehicle acquired by purchase from a private party.

88-0953

12-20-88 An exemption for building materials sold to construction contractors for incorporation into public improvements which are required to be transferred to a unit of local government is set out at 86 Ill. Adm. Code Section 130.2075(e).

88-0954

12-20-88 For purposes of Illinois sales tax law, lessors are deemed to be the users of items purchased for rental inventory. The only exception is the lessor of automobiles under lease terms of one year or less.

88-0955

12-20-88 Illinois law deems a lessor of tangible personal property to be the legal user of the property. Consequently, when an Illinois retailer sells tangible personal property to a lessor for the purpose of leasing, that retailer incurs ROT on the sale. See, 86 Ill. Adm. Code 130.220.

88-0956

12-22-88 A nursing home provides a service and consequently is a serviceman subject to Service Occupation Tax.

88-0957

12-22-88 Service Use Tax is based on the serviceman's cost price of tangible personal property transferred as an incident to service.

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88-0958 12-22-88 Machinery and equipment that is used primarily in a graphic arts production process can qualify for exemption from ROT per 86 Ill. Adm. Code 130.325.

88-0959 12-22-88 When tangible personal property is sold to users or consumers through vending machines, the person owning the property contained in the vending machines makes retail sales of such property and becomes liable for ROT. See, 86 Ill. Adm. Code 130.2135.

88-0960 12-22-88 A certificate of resale must contain the information required by 86 Ill. Adm. Code 130.1410.

88-0961 12-22-88 The exemption for building materials purchased for incorporation into real estate in an enterprise zone is set out at 86 Ill. Adm. Code Section 130.1951(a).

88-0962 12-27-88 A motor boat purchased outside the State of Illinois at retail and then brought into Illinois for use in Illinois is subject to State and local Use Tax. The tax would be calculated on the purchaser's cost price less a reasonable allowance for depreciation. In addition, a credit against the Illinois tax would be available for any tax properly paid to the State in which the boat was purchased.

88-0963 12-27-88 A cart which is used to replace the legs of an individual can qualify for the reduced rate of tax applicable to medical appliances.

88-0964 12-19-88 An out-of-State retailer maintaining a place of business in this State who sells medical appliances and drugs which qualify for the reduced (0%) rate of tax do not have to collect Use Tax on such sales.

88-0965 12-27-88 Construction contractors incur a Use Tax liability based on their cost price of building materials to be physically incorporated into real estate.

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88-0966 12-27-88 A lessor of farm equipment whose lessee will utilize this equipment primarily in production agriculture can claim the farm machinery and equipment exemption at the time of purchase.

88-0967 12-27-88 Hearing aid repair parts can qualify for the reduced rate of tax applicable to medical appliances.

88-0968 12-27-88 Consumable supplies used in the operation of pollution control facilities do not qualify for exemption.

88-0969 12-27-88 Under the Public Utility Revenue Tax laws, public utilities are authorized to pass-on their tax liability to their customers even though the customer may be exclusively charitable, religious or educational.

88-0970 12-27-88 Machinery and equipment does not qualify for the manufacturing machinery and equipment exemption if it is used in an activity which constitutes research and development of new products or production techniques.

88-0971 12-27-88 The rolling stock exemption is inapplicable to sales of items to entities which transport their own cargo but which do not transport people or property for hire.

88-0972 12-27-88 A serviceman who would normally incur Service Occupation Tax liability does not incur that tax liability when the material being transferred as an incident to his sale of service is being transferred to a governmental body exempt from sales or service related taxes.

88-0973 12-27-88 Service Occupation Tax, not Retailers' Occupation Tax, applies to the transfer of special printed material which has use or value only to a particular purchaser.

88-0974 12-28-88 For purposes of Illinois sales tax law, the lessor of tangible personal property is the user of that property and incurs Illinois Use and local sales tax reimbursement liabilities on the purchase of the property. The only exception is the lessor of automobiles rented under terms of one year or less.

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- 88-0975
12-28-88 Machinery or equipment that is used primarily in a direct on-line manufacturing processing can qualify for exemption from Retailers' Occupation Tax per 86 Ill. Adm. Code 130.330.
- 88-0976
12-29-88 An optometrist who engages in the profession of optometry is rendering service and consequently any tangible personal property that is transferred to patients as an incident of that service is subject to Service Occupation Tax.
- 88-0977
12-29-88 An out-of-State seller who falls under the definition of a "retailer maintaining a place of business in this State" must register to collect Illinois Use Tax from Illinois customers. See, 86 Ill. Adm. Code 150.801(c) and 150.201(i).
- 88-0978
12-29-88 SOT is inapplicable when tangible personal property is transferred by a subserVICEMAN from an out-of-State location to other out-of-State locations, not to be brought into Illinois.
- 88-0979
12-29-88 An optometrist renders service and consequently tangible personal property transferred to the patient as an incident of the service is subject to Service Occupation Tax.
- 88-0980
12-29-88 When a special order printing broker farms out special order printing work to a printer, a multi-service situation exists according to 86 Ill. Adm. Code 140.145.
- 88-0981
12-30-88 Request for Information.
- 88-0982
12-30-88 The sale of a product of photoprocessing results in Retailers' Occupation Tax liability based on the photoprocessing component of the billing. Granting a license to utilize a photographic image does not constitute a sale and results in no Retailers' Occupation Tax liability.

ILLINOIS REGISTER

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of January 30, 1988 through February 3, 1989 and have been scheduled for review by the Committee at its March 1, 1989 meeting. Other items not contained in this published list may also be considered by the Joint Committee at its March meeting. Members of the public wishing to express their views with respect to a proposed rule should submit written comments to the Joint Committee at the following address: Joint Committee on Administrative Rules, 509 South Sixth Street, Room 500, Springfield, IL 62701.

Second Notice Expires	Agency and Rule	Start of First Notice	Scheduled for Consideration by JCAR
3/16/89	Department of Agriculture, Swine Disease Control and Eradication Act (8 Ill. Adm. Code 105)	12/9/88 12 Ill. Reg. 20309	March 1, 1989
3/16/89	Department of Conservation, Public Use of State Parks and Other Properties of the Department of Conservation (17 Ill. Adm. Code 110)	12/9/88 12 Ill. Reg. 20363	March 1, 1989
3/16/89	Department of Rehabilitation Services, Authorizations (89 Ill. Adm. Code 520)	4/15/88 12 Ill. Reg. 6911	March 1, 1989
3/17/89	State Board of Education, Pupil Transportation Reimbursement (23 Ill. Adm. Code 120)	11/18/88 12 Ill. Reg. 19266	March 1, 1989
3/17/89	Department of Public Aid, Administration of Social Service Programs (89 Ill. Adm. Code 130)	12/16/88 12 Ill. Reg. 20649	March 1, 1989
3/17/89	Department of Public Aid, Aid to the Aged, Blind or Disabled (89 Ill. Adm. Code 113)	12/16/88 12 Ill. Reg. 20654	March 1, 1989
3/17/89	Department of Public Aid, Aid to Families With Dependent Children (89 Ill. Adm. Code 112)	12/16/88 12 Ill. Reg. 20661	March 1, 1989

JOINT COMMITTEE ON ADMINISTRATIVE RULES
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Second Notice Expires	Agency and Rule	Start of First Notice	Scheduled for Consideration by JCAR
3/17/89	Department of Public Aid, Application Process (89 Ill. Adm. Code 110)	12/16/88 12 Ill. Reg. 20670	March 1, 1989
3/17/89	Department of Public Aid, Assistance Standards (89 Ill. Adm. Code 111)	12/16/88 12 Ill. Reg. 20674	March 1, 1989
3/17/89	Department of Public Aid, Collections and Recoveries (89 Ill. Adm. Code 165)	12/16/88 12 Ill. Reg. 20679	March 1, 1989
3/17/89	Department of Public Aid, Crisis Assistance (89 Ill. Adm. Code 116)	12/16/88 12 Ill. Reg. 20683	March 1, 1989
3/17/89	Department of Public Aid, Food Stamps (89 Ill. Adm. Code 121)	12/16/88 12 Ill. Reg. 20686	March 1, 1989
3/17/89	Department of Public Aid, General Administrative Provisions (89 Ill. Adm. Code 101)	12/16/88 12 Ill. Reg. 20694	March 1, 1989
3/17/89	Department of Public Aid, General Assistance (89 Ill. Adm. Code 114)	12/16/88 12 Ill. Reg. 20697	March 1, 1989
3/17/89	Department of Public Aid, Medical Assistance Programs (89 Ill. Adm. Code 120)	12/16/88 12 Ill. Reg. 20705	March 1, 1989
3/17/89	Department of Public Aid, Refugee/Entrant/Repatriate Program (89 Ill. Adm. Code 115)	12/16/88 12 Ill. Reg. 20735	March 1, 1989
3/17/89	Department of Public Aid, Related Program Provisions (89 Ill. Adm. Code 117)	12/16/88 12 Ill. Reg. 20739	March 1, 1989
3/17/89	Department of Public Aid, Rights and Responsibilities (89 Ill. Adm. Code 102)	12/16/88 12 Ill. Reg. 20743	March 1, 1989

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Second Notice Expires	Agency and Rule	Start of First Notice	Scheduled for Consideration by JCAR
3/17/89	Department of Public Aid, Special Eligibility Groups (89 Ill. Adm. Code 118)	12/16/88 12 Ill. Reg. 20753	March 1, 1989
3/17/89	Department of Public Aid, Support Responsibility of Relatives (89 Ill. Adm. Code 103)	12/16/88 12 Ill. Reg. 20757	March 1, 1989
3/17/89	Department of Public Aid, Child Support Enforcement (89 Ill. Adm. Code 160)	12/16/88 12 Ill. Reg. 20677	March 1, 1989
3/17/89	Department of Professional Regulation, Veterinary Medicine and Surgery Practice Act (68 Ill. Adm. Code 1500)	11/14/88 12 Ill. Reg. 18100	March 1, 1989
3/20/89	Department of Commerce and Community Affairs, Corridors of Opportunity Program (14 Ill. Adm. Code 630)	3/18/88 12 Ill. Reg. 4987	March 1, 1989
3/20/89	Department of Commerce and Community Affairs, Standard Grant Administrative Requirements (47 Ill. Adm. Code 1)	3/4/88 12 Ill. Reg. 4403	March 1, 1989
3/20/89	Department of Agriculture, Grain Dealers (68 Ill. Adm. Code 600)	12/2/88 12 Ill. Reg. 19795	March 1, 1989
3/20/89	Department of Agriculture, Public Grain Warehouse and Warehouse Receipts Act (8 Ill. Adm. Code 505)	12/2/88 12 Ill. Reg. 19806	March 1, 1989
3/20/89	Department of Conservation, Illinois List of Endangered and Threatened Fauna (17 Ill. Adm. Code 1010)	12/9/88 12 Ill. Reg. 20325	March 1, 1989

JOINT COMMITTEE ON ADMINISTRATIVE RULES
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Second Notice Expires	Agency and Rule	Start of First Notice	Scheduled for Consideration by JCAR
3/20/89	Department of Professional Regulation, The Podiatry Act (68 Ill. Adm. Code 1360)	9/23/88 12 Ill. Reg. 14963	March 1, 1989
3/20/89	Secretary of State, Certifi- cates of Title, Registration of Vehicles (92 Ill. Adm. Code 1010)	11/26/88 12 Ill. Reg. 19642	March 1, 1989

EXECUTIVE ORDER

89-1

RESCINDING EXECUTIVE ORDER 85-2 AND ESTABLISHING THE
ILLINOIS PLANNING COUNCIL ON DEVELOPMENTAL DISABILITIES

The Governor's Planning Council on Developmental Disabilities was established in order to carry out advisory and planning functions in accordance with the provisions of the Developmental Disabilities Services and Construction Act of 1970 and applicable federal and state law pertinent to the planning and coordination of services for persons with developmental disabilities.

Executive Orders Number 7 (1983) and Number 2 (1985), provided guidance with respect to the organization and administration of the Council. However, in order to comply with the revised requirements of the Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1987, and to assure that the ongoing advocacy, public policy and model service demonstration activities of the Council are clearly defined, it is necessary to amend guidelines pertaining to membership on the Council, the duties of the Council and the name of the Council.

THEREFORE, I HEREBY ORDER:

I. Executive Order Number 2 (1985) is hereby rescinded.

II. The Governor's Planning Council on Developmental Disabilities shall be renamed "The Illinois Planning Council on Developmental Disabilities", and shall be organized herein in accordance with the provisions of the Developmental Disabilities Assistance and Bill of Rights Act of 1984 and the Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1987.

III. Council Membership

- A. The Council shall be composed of thirty-six members and shall be selected so as to ensure that the membership reasonably represents the consumers of services to persons with developmental disabilities.
- B. Members sitting on the Governor's Planning Council on Developmental Disabilities at the time this Order becomes effective, shall continue to serve until the members of the Illinois Planning Council on Developmental Disabilities are named pursuant to the provisions of this Order.
- C. The membership of the Council shall include the Director, or his or her designee, from the following agencies:
 1. The Illinois State Board of Education;
 2. The Department of Rehabilitation Services;
 3. The Department of Mental Health and Developmental Disabilities;
 4. The Department of Children and Family Services;
 5. The Division of Services for Crippled Children, University of Illinois;
 6. The Department of Public Health;
 7. The Department of Public Aid
 8. The Department on Aging
 9. The State Protection and Advocacy System;
 10. The State University Affiliated Program at the University of Illinois, Chicago;

11. The Bureau of the Budget, as an Affiliated member. As such, he or she will not be a voting member, nor be included in consideration of a quorum;
12. The Guardianship and Advocacy Commission, as an Affiliated member. As such, he or she will not be a voting member nor be included in consideration of a quorum; and
13. The Illinois Institute for Developmental Disabilities, as an Affiliated member. As such, he or she will not be a voting member, nor be included in consideration of a quorum.
- D. The Governor shall appoint at least eighteen members who shall have the following qualifications:
 1. They shall be persons who are:
 - a. persons with developmental disabilities or parents or guardians of such persons; or
 - b. immediate relatives or guardians of persons with mentally impairing developmental disabilities; and
 2. They shall be persons who are not:
 - a. employees of a State Agency which receives funds or provides services as defined in the Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1987; or
 - b. managing employees of any entity which receives funds or provides services under the Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1987; or

c. persons with an ownership or controlling interest with respect to an entity which receives funds or provides services under the Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1987.

3. Of the members of the Council who qualify under the provisions of this paragraph D:

- a. at least six shall be persons with developmental disabilities;
- b. at least six shall be immediate relatives or guardians of persons with developmental disabilities;
- c. at least one shall be an immediate relative or guardian or an institutionalized person with a developmental disability; and
- d. at least one shall be an immediate relative or guardian of an individual with a developmental disability in a DMHDD operated facility.

E. The Governor shall appoint a maximum of eight other members who may be representatives from local agencies, nongovernmental agencies and groups concerned with services to persons with developmental disabilities.

IV. Term of Membership

A. In making appointments to the Council, the Governor shall appoint 8 members for a one year term, 9 members for two year terms and 9 members for three year terms expiring on January 1. In making these appointments to the Council the Governor will consider prior

terms of service and the needs of the Council. Members shall continue to serve until their successors are named.

B. Thereafter, terms are for three years with no one serving more than two successive terms.

C. Upon the occurrence of a vacancy, the Governor shall make an appointment to fill such vacancy for the remainder of the unexpired term effective immediately upon appointment.

V. General Membership Provisions

A. The Governor shall designate a chairman from the members qualified under Section III, Paragraph D of this Executive Order to serve at the discretion of the Governor. The Governor shall also designate two vice-chairmen from the membership of the Council. One of the vice-chairmen shall be a state agency representative from the members qualified under Section III, Paragraph C, or other representative from the members qualified under Section III, Paragraph E; and one shall be an immediate relative or guardian of an individual with a developmental disability from the members qualified under Section III, Paragraph D.

B. Members of the Council are not entitled to compensation but shall receive reimbursement for actual expenses incurred in the performance of their duties.

C. The Council may develop various committees in order to conduct its work. Those committees may include non-Council members, but shall be composed of a majority of Council members.

D. The public policy of the State of Illinois is to avoid conflicts of interest or appearances of conflict of interest in the distribution of State and federal funds to non-governmental disabilities. Therefore, no funds will be distributed by the Council to any non-governmental entity, except that funds may be distributed to the State Protection and Advocacy System, but only provided that a member of the Council is not:

1. a managing employee of that entity; or
2. a person with ownership or controlling interest with respect to that entity.

VI. Duties of the Council

A. The duties of the Council shall include, but shall not be limited to the following:

1. to develop and maintain a statewide plan for services to persons with developmental disabilities. The Council shall establish cooperative agreements with state agencies to coordinate and integrate where possible the various state planning efforts relevant to persons with developmental disabilities;
2. to submit such reports and plans to the Governor, the General Assembly and the Secretary of the U.S. Department of Health and Human Services as are required by State or federal law;
3. to monitor, review, evaluate, advocate for and make recommendations on the public policies affecting the state

service system for persons with developmental disabilities to the Governor and the legislature;

4. to fund model service demonstration projects and to evaluate the effectiveness of those projects on the service delivery system, when appropriate;
5. to conduct such policy analyses and other activities as will have a positive impact on the greatest number of persons with developmental disabilities; and
6. to perform such other functions as are necessary to fulfill its duties under federal law and this Executive Order.

B. The Council shall have the cooperation of relevant State agencies in fulfilling its responsibilities.

C. The Council shall solicit input from throughout the various regions of the State with respect to its planning activities, evolution of public policies and implementation strategies.

D. The Council shall obtain such professional, technical and clerical assistance as it deems necessary to carry out its functions under this Executive Order.

E. The Executive Director of the Council shall be appointed by the Governor from recommendations made by the Council.

VII. Effective Date

This Executive Order shall become effective upon filing with the Secretary of State.

Issued January 31, 1989. Filed January 31, 1989.

PROCLAMATION
89-045
Black History Month

WHEREAS, for more than 200 years and in every field of endeavor, black Americans have contributed to America's progress; and

WHEREAS, Black History Month, which will be celebrated throughout the nation during February, was promulgated in 1968 as a fitting tribute to Dr. Carter Goodwin Woodson, a native of Illinois who was the founder of the Association for the Study of Negro Life and History. Dr. Woodson also established Negro History Week in 1926; and

WHEREAS, the recognition of Black History Month is significant in fostering a spirit of cooperation between all segments of our multi-ethnic community and in paying tribute to the vital role--past, present and future--of our black community in fields of business and commerce, government, science, education, religion and culture;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim February 1989 as BLACK HISTORY MONTH in Illinois, in conjunction with the national observance, which underscores the nation's quest to fulfill the promise of full equality for all its citizens.

Issued January 30, 1989. Filed February 6, 1989.

PROCLAMATION
89-046
Employ The Older Worker Week

WHEREAS, individuals over the age of 55 represent an increasing number of the State of Illinois' citizenry, now accounting for more than 21 percent of the total population; and

WHEREAS, older workers are rightfully being recognized for the knowledge, experience, skills and productivity that they contribute to our state's well-being; and

WHEREAS, the superior performance and continued dependability of older workers have made them an invaluable resource to their employers, as well as role models to younger workers; and

WHEREAS, older Illinoisans are finding an ever-increasing need to remain in the paid working force in order to support a sufficient and comfortable life style; and

WHEREAS, Illinois supports programs and initiatives designed to increase opportunities for older workers in both the public and private sector;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim March 12-18, 1989, as EMPLOY THE OLDER WORKER WEEK in Illinois, and I urge all employers to join with me in recognizing that ability is truly ageless.

Issued January 30, 1989. Filed February 6, 1989.

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PROCLAMATION
89-047

Future Business Leaders Of America-Phi Beta Lambda Month

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PROCLAMATION
89-048

Lithuanian Independence Day

WHEREAS, the State of Illinois recognizes the youth of our nation as the foundation of America's thriving business structure; and

WHEREAS, Future Business Leaders of America-Phi Beta Lambda represent nearly 200,000 young men and women who have an enthusiastic interest in the business world; and

WHEREAS, this national organization provides a valuable service to our communities and our young people by encouraging the development of competent, aggressive business leadership; strengthening students' confidence in themselves and their work; creating a greater understanding of American enterprise; and facilitating the transition from school to work;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim February 1989 as FUTURE BUSINESS LEADERS OF AMERICA-PHI BETA LAMBDA MONTH in Illinois, in conjunction with the national observance.

Issued January 30, 1989. Filed February 6, 1989.

WHEREAS, the members of the Lithuanian Council of Chicago are observing the sixty-ninth anniversary of their mother country's independence; and

WHEREAS, Lithuanian Americans have played a significant part in the progress of Illinois and have proudly shared their cultural heritage with us; and

WHEREAS, we are grateful for their contributions to our society and to our individual lives and join them in commemorating the anniversary of this special day of independence;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim February 16, 1989, as LITHUANIAN INDEPENDENCE DAY in Illinois.

Issued January 30, 1989. Filed February 6, 1989.

PROCLAMATION
89-049

United States Power Squadrons Day

WHEREAS, the United States Power Squadrons were founded on February 2, 1914, by recreational boaters who wanted to make America's waterways safer and more enjoyable; and

WHEREAS, the organization has grown in the ensuing decades to become the world's largest private boating organization, with some 70,000 members in more than 440 local squadrons across the nation and around the world; and

WHEREAS, the United States Power Squadrons have developed an extensive nautical educational program, administered by its members, to improve the knowledge and skills of boaters; and

WHEREAS, the United States Power Squadrons served the nation in both world wars by opening its educational courses to members of the armed forces for the study of seamanship and navigation; and

WHEREAS, more than 2 1/2 million men, women and youngsters have taken the Public Safe Boating Course conducted by the local squadrons; and

WHEREAS, members of the United States Power Squadrons also serve the recreational boating community through participation in National Safe Boating Week activities and through a cooperative agreement with the National Oceanic and Atmospheric Administration to provide corrections and additions to the nautical charts used by all boaters; and

WHEREAS, the local squadrons in District 20 are now observing the 75th Anniversary of the United States Power Squadrons;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim February 2, 1989, as UNITED STATES POWER SQUADRONS DAY in Illinois.

Issued January 30, 1989. Filed February 6, 1989.

PROCLAMATION
89-050

Cardiac Rehabilitation Week

WHEREAS, cardiovascular diseases continue to be the number one cause of death in our nation today; and

WHEREAS, medical research supports the premise that reduction of cardiovascular disease risk factors through regular exercise, blood-pressure control, cholesterol reduction, smoking cessation, and stress management can decrease cardiovascular disease morbidity and mortality; and

WHEREAS, cardiac rehabilitation provides an opportunity for cardiac patients to return to optimal physical, psychological, social, and occupational health through supervised exercise and cardiovascular disease risk factor education and modification; and

WHEREAS, there are more than 100 organized cardiac rehabilitation programs in the State of Illinois. The American Association of Cardiovascular and Pulmonary Rehabilitation and the Illinois Society for Cardiac Health and Rehabilitation are sponsoring Cardiac Rehabilitation Week February 12-18, 1989; and

WHEREAS, the purpose of this week is to increase awareness of cardiac rehabilitation and the opportunities that it provides for improved cardiovascular health and quality of life for the cardiac patient;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim February 12-18, 1989, as CARDIAC REHABILITATION WEEK in Illinois, in recognition of the role that cardiac rehabilitation programs play in the prevention and treatment of cardiovascular diseases.

Issued January 31, 1989. Filed February 6, 1989.

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PROCLAMATION
89-051

Future Farmers Of America Week

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PROCLAMATION
89-052

Labor-Management Cooperation Week

WHEREAS, agriculture is the largest industry in the State of Illinois and the United States of America; and

WHEREAS, the future of this nation is dependent upon the continuous training of future leaders and responsible citizens; and

WHEREAS, the Future Farmers of America (FFA) embodies the ideals and principles inherent to the American way of life; and

WHEREAS, "A Matter of Pride" has been designated as the 1989 theme of the Illinois Association FFA to signify the proud heritage shared by agricultural education students and the value of their educational experiences; and

WHEREAS, "Agriculture's Leading Edge" has been chosen as the national FFA organization's theme in order to depict the farsightedness and aggressiveness of the FFA;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim February 18-25, 1989, as FUTURE FARMERS OF AMERICA WEEK in Illinois. I urge all citizens to understand, encourage, and support the efforts of the Illinois Association FFA throughout our great state.

Issued January 31, 1989. Filed February 6, 1989.

WHEREAS, there has been the growing recognition in the State of Illinois that labor-management cooperation is an economic necessity; and

WHEREAS, labor-management cooperation has proven to be an essential tool in strengthening the partnership between labor, management, and government; and

WHEREAS, this partnership helps us prepare for increased competition and allows us to compete in a global economy; and

WHEREAS, fostering positive labor-management relations is a priority in Illinois; and

WHEREAS, the Illinois Labor-Management Cooperation Committee, the Illinois Department of Commerce and Community Affairs, and the Department of Labor will co-sponsor the second Illinois Labor-Management Conference April 20-21, 1989, in Collinsville, Illinois, to showcase cooperative labor-management activities in Illinois;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim April 16-22, 1989, as LABOR-MANAGEMENT COOPERATION WEEK in Illinois in recognition of the cooperative spirit between labor and management in our state that is so integral to Illinois' continuing economic growth.

Issued January 31, 1989. Filed February 6, 1989.

PROCLAMATION

89-053

STC's International Technical Communication Week

WHEREAS, the Society for Technical Communication (STC) is the world's largest professional organization devoted to the art of technical communication in all media. Its membership includes technical writers, editors, graphic artists, illustrators, educators, producers and creators of audio-visual materials, and others involved in fields where effective communication is essential; and

WHEREAS, STC is one of the fastest-growing professional organizations as evidenced by the fact that it has added over 1,500 members in the last 18 months; and

WHEREAS, with over 13,000 members in 102 chapters, covering 20 nations, STC has truly established an international presence in slightly more than 30 years of existence; and

WHEREAS, the mission of STC is to provide timely and innovative programs and services to enhance its professional development. STC is a network of communicators striving to bring opportunities to its members and to keep up with what is new in the technical communications field; and

WHEREAS, STC will be holding its annual International Technical Communications Conference (ITCC) in Chicago during the week of May 14, providing members an opportunity to survey the latest tools and techniques; develop expertise in a new skill; meet other professionals; share knowledge; and make valuable contacts in the field;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim May 14-17, 1989, as STC'S INTERNATIONAL TECHNICAL COMMUNICATION WEEK in Illinois.

Issued February 1, 1989. Filed February 6, 1989.

PROCLAMATION

89-054

Engineers Week

WHEREAS, the engineering community of this state has provided us with a wealth of innovation in the fields of agriculture, industry, transportation, construction and education; and

WHEREAS, increasingly, we must depend upon these professional men and women to find technological solutions to the problems we will face in the future; and

WHEREAS, in order to emphasize the role of professional engineers in our society, the 1989 theme for National Engineers Week is "Engineers: Turning Ideas Into Reality";

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim February 19-25, 1989, as ENGINEERS WEEK in Illinois in conjunction with the national observance, and in recognition of the indispensable contributions engineers have made in the past and will continue to make in the future.

Issued February 3, 1989. Filed February 6, 1989.

ACTION CODES

JCAR - Joint Committee on Administrative Rules

A - Adopted Rule
 AR - Adopted Repealer
 C - Notice of Corrections
 CC - Codification Changes
 E - Emergency Rule
 ER - Emergency Repealer
 M - Modification to meet JCAR objections
 O - JCAR Statement of Objections
 P - Proposed Rule
 PF - Prohibited Filing Ordered by JCAR
 PP - Peremptory or Court ordered Rules
 PR - Proposed Repealer
 R - Refusal to meet JCAR objection
 RC - Statement of Recommendation
 S - Suspension ordered by JCAR
 W - Withdrawal to meet JCAR objections

EXAMPLE:

AGRICULTURE, DEPARTMENT OF

8 Ill. Adm. Code 285 Ill. Grain Insurance Act (P-18048/85; A-6818)

TITLE PART ACTION CODE PAGE NUMBER PREVIOUS VOLUME ACTION CODE PAGE NUMBER

ALL RULES ARE LISTED BY PART NUMBER AND HEADING ONLY. (FOR ACTION ON SPECIFIC SECTIONS, PLEASE REFER TO THE SECTIONS AFFECTED INDEX.) IF THERE ARE ANY QUESTIONS, PLEASE CONTACT THE ADMINISTRATIVE CODE DIVISION AT (212) 782-9786.

AGING, DEPARTMENT ON

89 Ill. Adm. Code 240 Community Care Program (P-685)
 89 Ill. Adm. Code 230 Older Americans Act Programs (P-14777/88; A-2015)

AGRICULTURE, DEPARTMENT OF

8 Ill. Adm. Code 20 Definitions (P-19178/88; W-2166)
 8 Ill. Adm. Code 700 Farmland Preservation Act (P-14786/88; A-285)
 8 Ill. Adm. Code 125 Meat & Poultry Inspection Act (PP-228) (PP-2160)

CAPITAL DEVELOPMENT BOARD

44 Ill. Adm. Code 910 Procurement Practices (P-1917)
 71 Ill. Adm. Code 40 Standards for Award of Grants Elementary & Secondary Schools Capital Assistance Program (P-1283)

CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF

80 Ill. Adm. Code 302 Merit & Fitness (P-1639)
 80 Ill. Adm. Code 310 Pay Plan (P-20584/88; RC-1254) (P-1296)
 80 Ill. Adm. Code 2650 Solicitation for Charitable Payroll Deductions (P-6871/88; O-1256)
 80 Ill. Adm. Code 2110 State of Ill. Dependent Care Assistance Plan (P-1) (E-214)

CIVIL SERVICE SYSTEM, STATE UNIVERSITIES

80 Ill. Adm. Code 250 State Universities Civil Service System (P-1921)

COMMERCE AND COMMUNITY AFFAIRS, DEPARTMENT OF

47 Ill. Adm. Code 160 Emergency Shelter Grants Program (P-9271/88; A-2024)
 14 Ill. Adm. Code 590 Ill. Large Business Development Program (P-15249/88; A-2028)
 14 Ill. Adm. Code 570 Ill. Small Business Development Program (P-20714/87; A-58)
 14 Ill. Adm. Code 620 Labor-Management Program (P-14797/88; A-1758)
 47 Ill. Adm. Code 120 State Administration of the Federal Community Services Block Grant Program (P-8521/88; A-779) (P-1311)
 47 Ill. Adm. Code 100 State Administration of the Federal Low-Income Home Energy Assistance Block Grant Program (P-1930)

COMMERCE COMMISSION, ILLINOIS

83 Ill. Adm. Code 435 Electric Utility Forecasting (G.O.215) (PR-3)
 83 Ill. Adm. Code 281 Energy Assistance (P-1647)
 92 Ill. Adm. Code 1205 Fees & Taxes (P-1665)
 92 Ill. Adm. Code 1206 Investigation & Suspension of Rates (P-1671)
 83 Ill. Adm. Code 440 Least-Cost Planning for Electric Utilities (P-3162/88; A-296)
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The Sections Affected Index lists, by Title, each Section of a codified Part on which rulemaking activity has occurred in this volume of the Register and is divided into two parts: the first lists the Sections on which rulemaking activity occurred in the previous issues of this volume year; the second lists the Sections on which rulemaking activity occurred in this issue of the Register. (The headings at the top of each page indicate the two parts: the first part shows the previous issue numbers inclusively and the date of the last published issue; the second lists the current issue number and date.) The columns in both parts indicate the type of rulemaking activity and the action taken along with the page number on which the first page of the notice of rulemaking activity appeared. If a Section on which action is being taken in the current volume (calendar year) of the Register was proposed in a previous volume, the last two digits of the previous volume's year appear immediately after the page number separated by a slash, (e.g. 1 Ill. Adm. Code 100.280 was proposed last year and adopted this year. The action entry reads: (P-8577/86: A-724)). The codes for both columns are listed below. For a complete listing of the Titles of the *Illinois Administrative Code*, please refer to 1 Ill. Adm. Code 100.140 or contact the Administrative Code Division.

TYPE OF RULEMAKING

am = amendment to existing Section
cc = codification changes
n = new Section
r = repeal of existing Section
rc = reclassified
= renumbered

ACTION CODES

A = Adopted rule
C = Correction
CC = Codification Changes
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790.630	am	(P-12991/88; P-16425/88; A-856)
790.799	am	(P-12991/88; A-856)
790.799	am	(P-12991/88; A-856)
790.860	am	(P-12991/88; A-856)
790.900	am	(P-12991/88; A-856)
790.905	am	(P-12991/88; A-856)
790.910	am	(P-12991/88; A-856)
790.940	am	(P-12991/88; A-856)
790.974	am	(P-12991/88; A-856)
790.1060	am	(P-12991/88; A-856)
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790.1129	n	(P-12991/88; A-856)
790.1131	n	(P-12991/88; A-856)
790.1300	am	(P-12991/88; A-856)
790.1345	am	(P-12991/88; A-856)
790.1440	am	(P-12991/88; A-856)
790.1460	am	(P-12991/88; A-856)
790.1560	am	(P-12991/88; A-856)
790.1570	n	(P-12991/88; P-16425/88; A-856)
790.1577	am	(P-12991/88; A-856)
790.1620	am	(P-12991/88; A-856)
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790.3420	an (P-12991/88; A-856)
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790.3907	an (P-12991/88; A-856)
790.3910	n (P-12991/88; P-16425/88; A-856)
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790.4012	an (P-16425/88; A-856)
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790.4060	an (P-16425/88; A-856)
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790.4660	an (P-16425/88; A-856)
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790.4680	an (P-12991/88; A-856)
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